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LETTER DATED 9 JULY 1996 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you the attached report which was submitted to me on 4 July 1996 by the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina.

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

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Annex

[Original: English]

Letter dated 4 July 1996 from the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina addressed to the Secretary-General

I have the honour to transmit to you my second report on my activities as High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina. I would appreciate your making this report available to the United Nations Security Council.

I hope to come to New York in the middle of July in order to meet you as well as the members of the Security Council, to give as complete an assessment of the situation as possible.

(Signed) Carl BILDT

Enclosure

Report of the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina to the Secretary-General of the United Nations

I. INTRODUCTION

1. Pursuant to the Security Council Resolution 1031 of 15 December 1995, which endorsed my appointment as High Representative to "monitor the implementation of the Peace Agreement and mobilize and, as appropriate, give guidance to, and coordinate the activities of, the civilian organizations and agencies involved" in the implementation of the Peace Agreement on Bosnia and Herzegovina, I submit hereby my second report envisaged by Annex 10 of the Peace Agreement and the Conclusions of the London Peace Implementation Conference of 8-9 December 1995.

2. This report covers developments in the areas listed below during the period from the beginning of March to the end of June 1996.

II. INSTITUTIONAL ASPECTS

Office of the High Representative

3. My Headquarters in Sarajevo and the Secretariat in Brussels have in the period described been active in ensuring both operational level coordination of civilian implementation activities inside Bosnia and Herzegovina, strategic level contacts with the Headquarters of the respective implementation organizations and agencies as well as closely following, to the extent possible, the various international gatherings dealing with the Bosnian peace implementation.

4. In addition, a regional branch office of the High Representative was set up in Banja Luka, the largest city in the Republika Srpska, providing a valuable point of contact to the different official and political institutions in that entity and facilitating the RS participation in civilian implementation of the Peace Agreement.

5. Initial problems in establishing a funding key and adopting a budget of the High Representative have fortunately been resolved, and I am now confident that all the members of the Peace Implementation Council will live up to their obligations without undue delay.

6. Immediate staffing problems have also been addressed by Governments willing to second qualified personnel to my Office. However, continuous widening of the scope of OHR activities, together with some unavoidable rotation, still make proper staffing an important issue.

ICFY Working Groups

7. The Working Group on Regional Issues which I set up under Ambassador Martin Lutz has been active in the region of the former Yugoslavia.

The Group has the mandate to recommend initiatives for resolving ethnic questions in the area of the former Yugoslavia. It has so far concentrated its efforts on Kosovo and is working on measures which would help reduce tension and improve the life of all people living in Kosovo.

8. On succession issues, two rounds of separate discussions with all 5 republics were held in April, May and June by the Special Negotiator on State Succession Issues, Sir Arthur Watts. A third round will take place in July.

Peace Implementation Council

9. The Steering Board of the Peace Implementation Council continued its monthly meetings at the level of Political Directors of the respective Foreign Ministries, each devoted to specific issues of the peace process. The discussion at the meeting in Sarajevo on 24 April, at which representatives of the OSCE were invited, centred on preparation of free and fair elections in Bosnia and Herzegovina. The meeting in Paris on 24 May, with participation of the Special Representative of the UN Secretary General and the Special Envoy of the UN High Commissioner for Refugees, focused on the problems concerning refugees and displaced persons, as well as on preparation for the Florence Mid-term Review Conference. The Steering Board also met in Florence on 12 and 13 June, prior to the Conference itself.

10. In addition to the Steering Board sessions other important international meetings in various formats, including that of countries that had witnessed the signing of the Peace Agreement, were taking place on a frequent basis. OHR was represented by myself or senior members of my staff. These meetings, some attended by delegations of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia, contributed to promoting the political and other aspects of peace implementation. It is my understanding that further meetings of this nature will take place.

11. These activities culminated in the mid-term Review Conference of the Peace Implementation Council, held in Florence on 13 and 14 June 1996 at the level of Foreign Ministers under the chairmanship of the Italian Government in order to review progress in implementing the civilian tasks of the Peace Agreement. Conclusions of the Chairman are attached as Annex 1 to this report.

III. COORDINATION OF CIVILIAN IMPLEMENTATION

Overall coordination

12. Two more meetings of the major implementation agencies were held at my office in Brussels, one on 29 March and the other on 29 May, in order to assess the efforts undertaken by the different international agencies and organizations involved in the implementation of the Peace Agreement, and also to coordinate preparations for the Florence Conference. Further meetings are planned, at approximately two-month intervals.

13. I have continued extensive consultations with representatives of governments and organizations. I had several meetings with the OSCE Chairman-in-Office. I have also addressed the General Affairs Council of the European

Union. On 21 June I reported to the European Council in Florence and on 28 June to the Heads of State and Government of The Eight in Lyon.

Operational coordination

14. On the ground in Bosnia the Joint Interim Commission (JIC), composed of delegations led by the Prime Ministers of Bosnia and Herzegovina, the Federation and the Republika Srpska and chaired by me, continued to deal with questions concerning the political and constitutional implementation of the Peace Agreement, providing also an opportunity for essential direct political dialogue between the parties on a wide range of issues. The JIC met alternatively in Sarajevo and Banja Luka on 16 and 30 March and on 6, 18 and 25 June as well as on July 2. At two of these meetings, representatives of Republika Srpska were not present.

15. The Joint Civilian Commission (JCC) has been meeting on a fortnightly basis in my office in Sarajevo, chaired by my Principal Deputy in Sarajevo, Ambassador Michael Steiner. The JCC, a body bringing together representatives of governments of Bosnia and Herzegovina, the Federation and the Republika Srpska, as well of the most important implementation agencies, dealt with a wide variety of practical issues concerning civilian aspects of the peace process, including economic reconstruction, freedom of movement, return of refugees and displaced persons.

16. Four regional Joint Civilian Commissions have now been established, covering the Northern, Western and Southern parts of the country a well as the Sarajevo area. JCC-N and JCC-W have been meeting regularly since 26 March and 10 May respectively on the territory of the two entities to discuss specific issues related to those regions. Efforts are being made to re-establish inter-entity economic, transport and communications links on regional and local levels, and also in the field of confidence-building measures aiming at facilitating the return of refugees and displaced persons to homes of origin. The first session of JCC-South took place in Mostar on 19 June. The Joint Civilian Commission for Sarajevo, which had proven to be a useful coordinating organ during the period of transition of parts of the city to Federation authority, continued its regular sessions, focusing in the ensuing period on the problems of retaining the multi-ethnic and multi-cultural character of Sarajevo.

17. By the end of March all the Commissions provided for in the Peace Agreement had been established and have been since holding regular sessions. Some of them are chaired by OHR, others by various international organizations acting as lead agencies in specific fields, with OHR participation.

18. In the field of human rights, the Human Rights Task Force continued to meet on a regular basis and has established subcommittees to address problems requiring more coordinated action. The Human Rights Coordination Centre (HRCC), established under the auspices of my office on 14 March, has been actively engaged in the daily coordination of human rights monitoring activities. Representatives of the main human rights implementing organizations, including UNMIBH, OSCE, UN High Commissioner for Human Rights, ECMM, UNHCR, and ICRC, collaborate closely with the HRCC, including by assigning staff to the HRCC.

Economic reconstruction

19. Economic revival and long-term rebuilding of the economy remain major preconditions for peace and political stability. In this context my efforts have been aimed at ensuring an early and convincing start to economic rehabilitation and reconstruction. I have cooperated in this endeavour with economic implementation agencies, namely the World Bank, the European Commission, the European Bank for Reconstruction and Development, the International Monetary Fund and the International Management Group. Regular meetings of the above organizations were held to discuss and coordinate plans and establish priorities.

20. The Ministerial Donors Conference sponsored by the World Bank and the European Commission was held in Brussels on 12-13 April. Although funding pledges necessary to meet the target of 1.8 billion US dollars for 1996 were said to have been made, subsequent review has noted that part of this refers to non-reconstruction efforts, bilateral programs not co-ordinated with the priority efforts or funds not yet committed. It can be assessed that around 1 billion US dollars will be available for the planned programs during 1996, thus causing significant and serious funding shortfalls also in the programs that I have attached the highest priority to.

21. It is regrettable that as a result of internal political implications Republika Srpska declined the invitation for its government to participate in the Brussels Conference, thus effectively cutting itself off from the funds designated for specific economic projects in its territory. I have made it clear to the RS leaders that a continuation of this line would be against the interests of the people of Republika Srpska and would only increase the economic problems facing the entity.

22. Within the framework of reforms that would facilitate economic recovery and transition of Bosnia and Herzegovina to a market economy, the reconstruction programme should focus on such priorities as infrastructure revival; employment generation and restart of production; institution-building and strengthening of implementation capabilities of government and its agencies at all levels; promoting the social sector and providing social support for vulnerable groups and refugees.

23. I consider it also of importance that bilaterally financed and implemented projects are coordinated within the agreed priority programme.

24. Economic reconstruction and rehabilitation are major instruments in promoting reintegration of the country. I consider it therefore vitally important that emphasis is made in the course of planning and fund allocation on projects leading to re-establishment of inter-entity links.

25. I am convinced that external economic assistance, be it from international institutions or through bilateral channels, should be, and has so far been, directly linked to compliance with the terms of the Peace Agreement. I have continuously made it clear that the Parties cannot expect such assistance to be forthcoming unless they commit themselves to full compliance and that no partial or selective approach would be acceptable. In several instances during the last

three months it was the perspective of economic assistance being withheld that led to an improvement of the Parties' compliance record.

Preparations for Elections

26. Following discussions within the OSCE Permanent Council, the OSCE Chairman-in-Office, Federal Councillor Flavio Cotti, has decided to certify national elections on 14 September, in accordance with the timetable in the Peace Agreement. This decision was in line with the political conclusions of the Florence Mid-term Review Conference. I consulted closely with the Chairman-in-Office on this matter, as had been envisaged in the decision of the OSCE Ministerial Council Decision on OSCE Action for Peace, Democracy and Stability in Bosnia and Herzegovina of 8 December 1995. I warmly welcomed the Chairman-in-Office's decision.

27. The forthcoming elections will constitute a major milestone in the process of peace implementation. They will enable us to proceed with the complex task of establishing the common institutions, thereby halting and reversing the drift towards the partition of Bosnia and Herzegovina. The extremely difficult and complex task of elections preparation, supervised by the OSCE, is gaining momentum on the basis of the Rules and Regulations adopted by the Provisional Election Commission (PEC) with participation of the Parties. Much of the regulatory work of the PEC has now been completed. Local Election Commissions have been set up in most locations and the majority of them are now functioning. Voter registration is under way. Party registration was completed by 14 June. The Provisional Election Commission has approved registration applications from 49 parties and 33 independent candidates. An Elections Appeals Sub-Commission has been established. Arrangements to ensure that all refugees will be able to participate in the elections are being developed. But there will continue to be major logistical challenges which need be overcome to ensure that the elections can be held in an organized and effective manner. The OSCE, which is leading this effort, must be able to count on the full support of the international community in the critical weeks ahead.

28. In the short time available, there must be a concerted effort to realize freedom of movement between and within the entities. This is essential to the successful conduct of the elections. To enable voters to be properly informed, more needs to be done to ensure that all candidates and political parties are able to have access to the state media. The Parties must facilitate the development of the independent television network.

29. No one can expect these, the first post-war elections, fully to meet the highest democratic standards. Bosnia and Herzegovina will still have a long way towards building a democratic society based on political pluralism and respect for human rights. But the September elections will constitute an indispensable first step towards the achievement of this essential goal.

Freedom of movement

30. Since my first report in March there has been considerable improvement in ensuring freedom of movement throughout the territory of Bosnia and Herzegovina. Permanent roadblocks and check-points have been dismantled and attempts to

reinstall unauthorized check-points, even on a temporary basis, are effectively countered by concerted action of UNIPTF and IFOR. Mobile check-points have also been reduced, but it requires constant monitoring to prevent local police adopting an over-zealous approach to their duties.

31. But check-points are not the only obstacle for the freedom of movement. Although there is an evident increase in the number of people crossing the IEBL, much remains to be done to overcome the feeling of insecurity and mutual mistrust. Intimidation and harassment are not infrequent on both sides of the IEBL, as well as within the Federation between its constituent ethnic groups. Also, given the large number of men who served in the armed forces, the lack of clarity on who is being sought for war crimes and the fact that both the Federation and Republika Srpska have been slow in passing amnesty legislation have had serious implications for freedom of movement.

32. Since the beginning of the summer season, especially during the lead-up to the Bajram holiday (mid-to-late April), the situation has been additionally complicated with continuing attempts of organized visits by large groups of displaced persons, some numbering several hundreds of people, to their former places of residence. This sometimes led to violent confrontations these groups and local residents, and in a number of cases brought injuries; one particular incident on 28 April resulted in three casualties. However smaller-scale visits have in most cases gone unhampered.

33. Through coordinated efforts of the UNHCR, the UNIPTF and my office in Sarajevo guidelines regulating such visits were negotiated and adopted by the Parties, thus defusing the situation to some extent.

34. At the political level I have been stressing to the leaders of the Parties that ensuring the freedom of movement was their obligation under the terms of the Peace Agreement. I shall continue to monitor closely this aspect of compliance.

35. As it is not only the right to move freely that is an essential cornerstone of a lasting peace in Bosnia and Herzegovina, but also the ability to do so, efforts within the JCC framework will be continued to ensure unimpeded vehicle circulation, mutual recognition of travel, insurance and vehicle registration documents, as well as restoration of inter-entity bus service and railroad links.

Return of refugees and displaced persons

36. The right of people who have been displaced or fled the country to return to their homes is another basic principle of the Peace Agreement. The dimensions of the problem of refugees and displaced persons are enormous, with more than half of the pre-war population of Bosnia and Herzegovina falling into either of the two categories.

37. So far the number of those who have exercised the right of return is, unfortunately, disproportionately small, compared to the displacement of more than half of the country's population. Return is being obstructed by political blockages as well as acute lack of housing space which still has to be overcome

by an immense housing reconstruction effort. Return, so far, has been nearly exclusively limited to areas of own ethnic dominance. In numbers, it has even been offset by further post-war movements of continued ethnic separation.

38. The UNHCR Action Plan and the conclusions reached at the Humanitarian Issues Working Group meeting in Geneva on 13 May constitute a starting point for the repatriation and reintegration of refugees. Creation of conditions in which UNHCR would be able to recommend the lifting of temporary protection and support progressive free and safe return is now an urgent matter affecting the future political and economic viability of Bosnia and Herzegovina. To bring these about the Parties must remove political obstacles, cooperate in housing rehabilitation as a step to larger-scale reconstruction, as well as in making refugees welcome on the territory under their control.

39. The Commission on Real Property Claims of Displaced Persons and Refugees established in Sarajevo under OHR auspices will now proceed with the registration of such claims so as to provide property owners with the assurance that their rights will be preserved. Cooperation of the local authorities will of course be essential.

40. Another practical obstacle hindering the right to return are existing property laws, particularly those concerning the use of "socially-owned" property, which do not respect the rights set forth in the Peace Agreement. As a result of enforcement of these provisions, persons have been denied the ability to return to their pre-war residences. The Parties must be called upon to suspend enforcement of these laws and amend such statutes in a manner which is consistent with the Peace Agreement.

Missing persons. Mass graves

41. National authorities and international mechanisms and organizations dealing with these issues, notably the Expert Group on Exhumation and Missing Persons, the membership of which includes ICRC, the UN Special Rapporteur on Human Rights and the UN Expert on Missing Persons, and the Working Group on Unaccounted for Persons have undertaken considerable efforts towards establishing the fate of missing persons and mass grave sites. Within the framework of the Working Group, the Parties have agreed on a set of guidelines concerning exhumations, to ensure that these are conducted professionally, in full cooperation between the Parties and lead to as many identifications as possible. The development of an antemortem database on missing persons and the establishment of a team of forensic experts to monitor and supervise exhumations is now an urgent task. The UN Expert on Missing Persons has launched a world-wide fund-raising campaign to support these projects.

Release of prisoners and cooperation with ICTY

42. As a result of concerted effort undertaken by my office in Sarajevo in close cooperation with ICRC, UNIPTF, and the International Criminal Tribunal for the former Yugoslavia (ICTY), including the strong political support from the international community, the Parties were brought into compliance with Annex 1-A of the Peace Agreement. Intensive pressure, including the possible sanction of non-complying Parties, resulted in the release of most prisoners registered by

the ICRC who were detained in relation to the conflict. For the remaining prisoners, a process was devised whereby case files on persons alleged to have committed war crimes were passed to the ICTY for review. The Parties complied fully with this process, including release of all persons for whom ICTY determined there was insufficient evidence to warrant further detention.

43. The apparent success achieved on this issue is still incomplete, however, because of substantial evidence indicating that the Parties continue to detain persons arrested prior to 19 December 1995 who have not been registered by ICRC. In addition, there have been numerous arrests of suspected war criminals in the past several months contrary to the "Rules of the Road" measures agreed to in Rome on 18 February in which no such arrests would be made prior to ICTY review of the case. My office, in conjunction with ICRC, UNIPTF, and ICTY has been working to operationalize the "Rules of the Road", but this process will require active cooperation of the Parties. Finally, there continue to be numerous arbitrary detentions of persons, including frequent cases of tit-for-tat arrests and unsubstantiated "war crimes" arrests, which have the effect of impeding freedom of movement for those who perceive they are at risk of arrest.

44. While there has been some improvement by the Parties to comply with their obligations with respect to war crimes and cooperation with ICTY, the record is incomplete and inadequate. No state or entity in the area has been able or willing to comply fully with the terms of the Peace Agreement on this important point. To date, only the authorities of the Federation of Bosnia and Herzegovina have partially complied by arresting, on the territory controlled by the B/H Army, and transferring into ICTY custody in the Hague, individuals of the same ethnicity who had been indicted by ICTY, but have not been able to do the same concerning individuals on the part of the Federation territory controlled by the HVO. On the territory of Republika Srpska there have been no attempts to live up to the obligations of the Peace Agreement on this point. According to the UN Security Council Resolution 827(93) the Parties are under the obligation to surrender persons indicted by the Tribunal. There can be no exception to this obligation.

45. According to the Peace Agreement, persons indicted by the Tribunal can not hold or seek public or elected office. On this point, Republika Srpska has stood out against all others in not being in compliance. However, on 30 June Mr. Karadzic handed over all his functions as President of the Republika Srpska to one of his Vice-Presidents, thus leaving public office. Although this is significant progress in this regard, the same obligation is not yet met in respect to General Mladic.

Human Rights

46. Respect for human rights and rule of law are prerequisites for a lasting peace in Bosnia and Herzegovina. Despite commitments to uphold the highest standards of human rights protections, the Parties have not fulfilled their obligations in this regard. While it would be unrealistic to expect immediate implementation of all the human rights provisions of the Peace Agreement, the Parties have not taken concrete steps to eliminate conditions which threaten the goal of a multi-ethnic society which had been envisioned in the Peace Agreement.

The political leaders must commit themselves to ensuring that the full range of civil and political rights are protected for all citizens.

47. In order to accomplish these objectives and reverse the trend toward ethnic separation, the Parties must take certain urgent concrete steps, including adoption of amnesty laws, permitting freedom of movement, instructing local officials that harassment and intimidation of vulnerable populations will not be tolerated, bringing property laws into compliance with the Peace Agreement, releasing all persons who have been detained arbitrarily, and ensuring that officials responsible for abuse and human rights violations are punished appropriately. My office, in cooperation with the international community, is working continuously to achieve each of these goals, but these efforts are ultimately the responsibility of the Parties and therefore require the active cooperation and support of the political leadership. A report on the implementation of the human rights provisions of the Peace Agreement prepared by my Office for the Mid-term Review Conference in Florence is attached as Annex 2.

48. With the aim of coordinating the efforts of various international organizations active in the human rights field a Human Rights Coordination Centre was established on 14 March under the auspices of my office in Sarajevo. It has been dealing with individual cases appearing daily, as well as monitoring the overall human rights situation in close contact with the UNHCR, UNIPTF, OSCE, ICRC and the European Community Monitoring Mission.

Sarajevo

49. Recognizing the importance of a multi-cultural and multi-ethnic Sarajevo to the process of reconciliation in Bosnia and Herzegovina, my office has been working intensively to monitor developments in Sarajevo since the completion in the second half of March of the transition of territories between the two entities. I am concerned about the continued harassment and intimidation of remaining Serb population in the Sarajevo suburbs, and note that it is the responsibility of the political leadership to create conditions in which Serbs can live in Sarajevo without fear. My office is facilitating this process through the Joint Civilian Commission for Sarajevo, which has reached several important agreements to address the needs of vulnerable populations in Sarajevo. These decisions cover preservation of property rights, freedom of access and continuity of the educational system and participation in public life.

50. Some practical steps in this direction have been achieved, including the participation of Serbs in the Ilidza Municipal Council and the resumption of the educational program for Serb children in that municipality. However, many of the other arrangements agreed to in the JCC for Sarajevo have yet to be fulfilled by the local authorities; the result is that there has not been a substantial return of Serbs to the Sarajevo area. Federation authorities are not doing enough to regulate the occupation of empty houses by refugees or displaced persons from other parts of Bosnia and Herzegovina, nor are they taking sufficient steps to protect Serbs who have chosen to remain in Sarajevo from threats and occasional violent incidents.

IEBL and Brcko arbitration

51. The Parties have by now made substantial progress in adjusting the Inter-Entity Boundary Line (IEBL). Most of the practical issues which had been outstanding at the time of the signing of the Peace Agreement are now resolved, with discussion continuing under IFOR auspices on the last remaining sections of the IEBL, and in particular on the sensitive Sarajevo district of Dobrinja.

52. The Federation has nominated Dr. Cazim Sadikovic, and the Republika Srpska Dr. Vitomir Popovic as their members of the Brcko arbitration tribunal. The Parties have until 14 July to agree on the candidature of the third arbitrator.

53. I have urged the nominated arbitrators to agree urgently on the third persons, who will also be the presiding officer of the Arbitration Tribunal, thus making it possible for it to convene as soon as possible.

54. Arbitration will undoubtedly be a difficult issue. But the sooner it is tackled by the Parties the better chance there is for a mutually acceptable negotiated solution, which would take into account the legitimate interests of all Parties and would best serve the people of Brcko.

Mine clearance

55. With more than 3 million land mines still scattered all over Bosnia and Herzegovina mine clearance is a matter of great urgency and importance and remains a major prerequisite for any large-scale reconstruction projects or return of refugees and displaced persons to succeed. This task will require consistent efforts of all Parties and the international community.

56. The Mine Clearance Policy Group, established under the auspices of my office in Sarajevo and chaired by my military advisor has succeeded in formulating a national mine clearance strategy for Bosnia and Herzegovina. It will now concentrate on setting priorities for further efforts on international, B/H and entity level. Several pilot projects are already under way in Sarajevo, and a national demining-training school has opened in the Republika Srpska.

57. In order to coordinate these efforts a Mine Action Centre was set up in Sarajevo on 20 May, as part of UNMIBH, with active participation of IFOR and my staff. It is expected to initiate a wide-ranging programme of mine-clearing and training of local personnel, inviting potential donors to provide financial support and expertise.

Regional stabilization

58. Negotiations on sub-regional arms control, pursuant to Article 4 of Annex 1-B of the Peace Agreement, chaired by the OSCE, have been successfully concluded, and the relevant agreement was signed in Florence on 14 June.

59. Implementation of this Agreement will facilitate the opening of the last round of negotiations on regional arms control envisaged in Article 5 of the above-mentioned Annex.

Constitutional arrangements

60. The implementation of the Peace Agreement is expected to culminate with the creation and functioning of new common institutions of Bosnia and Herzegovina following the elections. That will constitute, in effect, the start of the process of political reknitting of the country, without which any long-term stability is hardly possible.

61. In order for this complex process of post-election implementation of the Constitution to succeed preparations have to start now. It is therefore especially disappointing that the Parties are still behind their obligations in amending existing Entity constitutions to bring them into conformity with the Constitution of Bosnia and Herzegovina, something they had had to complete as early as 14 March.

62. In view of the importance and urgency of the issue I have drawn the attention of the Parties to the necessity to initiate preparatory work on the organizational and logistical modalities concerning post-election formation of common institutions, specifically convening without delay the Presidency of Bosnia and Herzegovina, followed immediately by the nomination of the Chair of the Council of Ministers; convening the Parliamentary Assembly and selecting the delegates to the House of Peoples; adopting the internal rules of procedure of the above bodies within one week upon convening.

Federation issues

63. The Federation of Bosnia and Herzegovina continues to be an indispensable building block for the successful implementation of the Peace Agreement. Efforts aimed at setting up all necessary Federation structures and promoting relations between the Federation partners have been continued by my staff with the helpful assistance of some governments.

64. These efforts resulted in the signing by the top leaders of the Federation of the Sarajevo Agreement of 30 March stipulating freedom of movement, transfer of governmental structures, namely in the areas of finance, internal affairs and defense, formation of cantonal governments and making the overall federation mechanism functional.

65. This was followed by the Petersberg Declaration of 25 April and the Joint Statement of the Federation Forum of 14 May covering various aspects of Federation implementation, including, among other things, elections, media, human rights, police and defense issues. Regrettably, on the ground, implementation has not progressed quickly. The Defense Law has not yet been passed, and command and control agreement for a single Federation Army has not been achieved.

66. In spite of some progress towards creating a stable and democratic Federation of Bosnia and Herzegovina, there still remains a lot to be done, however, to achieve that goal. Relations between Federation partners, especially on local and regional level, have to be strengthened and outstanding issues resolved. This can only be possible with active and genuine cooperation of the political leaders of the constituent communities in the Federation.

IV. COOPERATION WITH IFOR

67. Relations with the NATO-led Implementation Force have continued to be extensive and constructive.

68. At the political level I have maintained close contact with the NATO Secretary General, Mr. Javier Solana. I also briefed the North Atlantic Council on a regular basis.

69. At the strategic level my Brussels office and my team of military advisors, led by General de Lapresle, were in liaison with the NATO military authorities, including the Supreme Headquarters Allied Powers Europe (SHAPE).

70. At the operational level my team is in constant contact with IFOR and the ACE Rapid Reaction Corps (ARRC). Representatives of IFOR and ARRC participate actively in the work of joint commissions and working groups established by my Sarajevo office, both at national and regional levels. I am represented on the Joint Military Commission.

71. Since the completion of some of the more urgent tasks of military implementation IFOR has been in a position to allocate more assets and resources to meeting the needs of civilian implementation. Coordination meetings are held on a regular basis with participation of major civilian implementation agencies to define the practical modalities of the use of IFOR assets and resources. Some projects in the field of infrastructure restoration, telecommunications, elections preparations are already under way.

72. I particularly appreciate IFOR's practical assistance to my office in terms of providing in-theatre air transportation and communication facilities.

73. Of particular significance is also the support provided by IFOR to UNIPTF on the ground. As recent developments have shown, this support is an essential element in enabling the UNIPTF to effectively supervise freedom of movement and public order throughout the country.

V. LOOKING FORWARD

74. After six months of peace implementation, the record is a mixed one. The progress in the daily lives of ordinary people is sometimes staggering, at the same time the political tensions that caused and drove the war are still very much in evidence. Peace as the continuation of war by other means is still dominating over peace as genuine reconciliation after the horrible years of war.

75. The economy is gradually coming back to life. Although I am concerned with the funding shortfalls in the vitally important joint infrastructure programmes that must be supported by the international community, progress is now evident when it comes to restoring the economy. The problems ahead are however massive, with the triple task of the reconstruction after the destruction of the war, the reintegration of an economy that has been brutally torn apart and the fundamental reform of an old socialist system towards a modern and open market economy.

76. Some refugees and displaced persons are now coming back, although it must be a source of serious concern that practically all of the returns so far have been to majority areas, and there have so far been larger numbers of new refugees and displaced persons generated as a result of the transfers of territories than there has been refugees and displaced persons coming back after the war. As a climate of thrust is gradually established, and movements across the Inter-Entity Boundary Line gather momentum, it is of the greatest importance that accelerated efforts are made to facilitate the return also to what is presently seen as areas of dominance of another ethnic community. Over the longer time period, this is crucial for the success of the peace implementation efforts.

77. I must report my serious concern with the fact that the Parties are not implementing their commitments in respect of human rights. Even taking all of the problems resulting from the war into account, the performance of the respective authorities can in no way be seen as satisfactory. Of particular concern is the pattern of either encouragement or tolerance of ethnic harassment, as detailed in my Report on Implementation of the Human Rights Provisions of the Peace Agreement to the Florence Conference. This causes the country to continue to drift apart in a development that is contrary to the declared aim of re-establishing a multi-ethnic society. While declared official policy is different in the different communities, with Republika Srpska and the so-called "Croat Republic of Herzeg-Bosna" authorities openly speaking about resistance to inter-ethnic integration, the difference in practice on the ground between all the different parts of Bosnia and Herzegovina is sometimes not easy to detect.

78. As reported to you, no one of the Parties have co-operated fully with the International Criminal Tribunal for the Former Yugoslavia in the handing over of persons indicted. Reports to me indicate that of those so far indicted, 50 are likely to be found on the territory of Republika Srpska, 15 on the territory of the Federation with some of them alternating with the Republic of Croatia and three on the territory of the Federal Republic of Yugoslavia. We must continue to make clear to all the authorities concerned the important obligations they have under the Peace Agreement to cooperate fully with the ICTY. My office will do whatever it can to support this.

79. Focus of activities in Bosnia during the third phase of peace implementation that we have now entered is the holding of nation-wide elections on 14 September, as recently certified by the OSCE Chairman-in-Office. There will be no less than 10 different elections, out of which five are necessary in order to pave the way for the setting up of the common institutions of Bosnia and Herzegovina. The task of organizing these elections is far from easy, with more than half of the electorate displaced since the latest election in 1990, including a large number in foreign countries, and with freedom of movement and communications inside the country still seriously restricted.

80. Certain key conditions for elections must be improved during the weeks and months ahead. I am particularly concerned with the lack of objectivity of existing media, and my office in cooperation with the OSCE and key countries is trying to facilitate the development of independent media networks across the country in order to improve the climate for the elections.

81. The elections are the key to setting up the common institutions without which it is almost certain that the country will continue to be partitioned, or perhaps even drift even further apart.

82. The setting up of these common institutions - Presidency, Parliamentary Assembly, Council of Ministers, Constitutional Court and Central Bank - will be the crowning task of the first year of peace implementation. Given the fears and tensions that still exists, as well as the complexity of the constitutional arrangements of the Peace Agreement, this task will be no means be an easy one. Within the framework of the Joint Interim Commission, I have started contacts between the Parties in order to try to prepare the ground for the talks on these issues that will be initiated immediately after the result of the elections becomes available.

83. Prior to that, more progress is needed in implementing the different agreements on the setting up of the Federation. I am concerned that lack of progress in setting up the Federation could be used also to prevent or complicate the setting up of the common institutions.

84. The international community must safeguard the integrity of the structures agreed upon in the Peace Agreement. This will be especially important in view of the tendency by different Parties to interpret the Agreement only according to their interests. We must be firm in preserving the internationally recognized united state of Bosnia and Herzegovina, although this will be not be a unitary state, but a highly decentralized one with more extensive devolution of key responsibilities to the two entities than seen anywhere else in the world.

85. The process of setting up the common institutions will dominate the period after the elections. This is the same time as the Brcko issue will have to be solved, the different other public bodies on different levels elected will have to start their work and a transition will begin to the post-1996 international peace implementation structures, including the withdrawal of IFOR. This will be the by far most important phase of peace implementation during this year.

86. In spite of all the obvious problems that we have to deal with, I remain convinced that the goals of the Peace Agreement can be achieved. It would however be naïve to believe that this can be done fully in just one short year, and that it will happen without an active involvement by the international community over time. The Florence Conference gave a mandate to the Steering Board to start a discussion on these issues in the near future. It is my view that our involvement must not only be longer in time than 1996 but also wider in geographic scope in view of the interrelationship between the different areas of tension in South-Eastern Europe.

Appendix I

Chairman's conclusions of the Peace Implementation Council, Florence 13-14 June 1996

1. In Florence on 13/14 June 1996, under the chairmanship of the Italian Foreign Minister, Lamberto Dini, the Peace Implementation Council (PIC) has conducted a mid-term review of progress in implementation of the Peace Agreement for Bosnia and Herzegovina, in accordance with its decision taken at its meeting in London on 8-9 December 1995. Bosnia and Herzegovina was represented by the Government of Bosnia and Herzegovina and the Governments of the two entities, the Federation of Bosnia and Herzegovina and Republika Srpska. The Foreign Ministers of the Federal Republic of Yugoslavia and of the Republic of Croatia were also present. The Council has decided that it will meet again before the end of the year in the presence of the newly elected Presidency of Bosnia and Herzegovina. The conclusions of the Chairman expressing the sense of the meeting are as follows.

2. The Council has heard reports from the High Representative, Mr Carl Bildt, from the NATO Deputy Secretary-General, the military commanders, from the Special Representative of the United Nations Secretary-General and from the heads of other international Agencies centrally involved in implementation of the Peace Agreement. Members of the Council express their gratitude for the hard work under difficult circumstances of all of those involved in implementing the Peace Agreement and notes with particular appreciation the energetic way in which the High Representative and his team have executed the task of overall monitoring and coordination. They express their continuing strong support.

3. The Council notes that in the coming period, civilian implementation will involve a wide range of tasks in which the High Representative will be called upon to play a central role. The Council will provide him with the necessary resources. The parties must cooperate closely with him. The Council and the representatives of the parties reaffirm their determination to bring about a unified, stable, democratic and prosperous country. They agree that since their last meeting real progress has been made towards these objectives but that there is still much to be done.

4. As a result of the peace process, Bosnia and Herzegovina has now enjoyed the longest period of uninterrupted peace since the beginning of conflict in the country in April 1992. Opposing forces are now separated and demobilisation has begun. The bodies called for under the implementation annexes of the Bosnia and Herzegovina Framework Agreement, notably the Joint Interim Commission, the Joint Civilian Commissions and the Joint Military Commissions are functioning. Economic activity is reviving and a return to normal life is gradually coming about. These are real achievements and the ground has been laid for major progress. But the Council considers that the pace of recovery and normalisation is not fast enough. Acceleration will be needed for the continuing tasks to succeed - including the return of refugees and displaced persons, the holding of free and fair elections, getting the economy moving and new political institutions of the country functioning.

5. The parties have complied overall with their military commitments, but on the civilian side there have been serious short comings, the most important of which are noted below. The spirit of willing cooperation on the part of the parties, with each other and with the international community, which is indispensable if the effects of the war are to be overcome, is still lacking and must be strengthened. Fear and tendencies towards separation persist. These factors inhibit ordinary people from having the confidence to take advantage of secure conditions to associate freely and peaceably. It also hinders the international community in its efforts to help the people of Bosnia and Herzegovina who are the real losers. Improving this situation is urgent.

6. The Peace Implementation Council and the parties consider the Peace Agreement and the obligations incurred under it to be an integral whole. There can be no derogation nor any partial nor conditional compliance. The Council makes clear that receipt of political and economic benefits and fulfilment of obligations under the Peace Agreement by the parties are linked. As regards sanctions, the Council notes that if circumstances arise which make this necessary, they will be re-imposed in accordance with United Nations Security Council Resolution 1022. The High Representative and COMIFOR will, in their respective spheres, monitor the situation and, as necessary, inform the Security Council. In any event, the Security Council is in a position to take action on sanctions.

7. The Council considers it essential to adhere strictly to the implementation timetable laid down in the Peace Agreement. It will not permit delaying tactics which put at risk its central objectives and which undermine confidence in it and commitment to it. It wants to inject as much certainty as possible into forward planning so that all concerned know what is expected of them and when.

8. The election is a turning point for Bosnia and Herzegovina and opens the door to the establishment of democratic institutions. The Council calls upon the leaders of the country to conduct the election campaign in a constructive spirit, refraining from expressions of nationalism and of ethnic division. Conditions must be created which enable them to take place on time in the right conditions. Unless this happens it will not be possible to bring into existence on the timetable called for in the Peace Agreement the new institutions for Bosnia and Herzegovina. Successful free and fair elections will also see sanctions lifted.

Restoring Peace

9. The Council has reviewed the progress to date of implementation of the military aspects of the Peace Agreement. It notes that important objectives have been achieved. The parties:

- have complied with the provisions pursuant to the Cessation of Hostilities Agreement
- have withdrawn forces fully from the agreed zones of separation (ZOS) and are withdrawing to barracks and cantonments
- have made progress in adjusting the inter-entity boundary line (IEBL)
- are co-operating with IFOR in the cantonment of forces and heavy weapons or their demobilisation

- have complied with the Peace Agreement provisions concerning the withdrawal of foreign forces in Bosnia and Herzegovina
- are cooperating generally with removal of obstacles to freedom of movement, notably checkpoint.

10. The Council notes that these achievements provide the basis for long-term peace and stability in Bosnia and Herzegovina. They call on the parties to make this situation irreversible by

- maintaining full cooperation with IFOR and OSCE in achieving their obligations under the military Annexes of the Peace Agreement
- finalising the delineation of the Inter Entity Boundary Line (IEBL)
- maintaining total removal of foreign forces from the soil of Bosnia and Herzegovina
- facilitating inspection of military holdings for Sub Regional Arms Control Measures
- cooperating with IFOR in the cantonment of their forces and heavy weapons
- clearing and removing mines in co-operation with the Mine Action Centre. Removal of mines will be a continuing task for the foreseeable future.

Return of the Population of Bosnia and Herzegovina

11. The right of return home of people who have been either displaced or have fled the country is a basic principle of the Peace Agreement which cannot be abridged.

12. The Council has heard reports from the United Nations High Commissioner for Refugees, who also submitted a written report, and from the European Commissioner for Humanitarian Affairs responsilbe for ECHO. The Council thanks the United Nations for its effective contribution. It endorses UNHCR plans as a good basis for repatriation and reintegration of refugees. It regrets that the UNHCR benchmarks for lifting temporary protection, notably the existence of freedom of movement without fear or harassment, have still not been met by the parties and urges them to do so. It notes that so far, not many displaced persons or refugees have yet either returned home or been able to visit their property.

13. The creation of conditions for free and safe return, permitting the lifting of temporary protection is now an urgent matter affecting the future political and economical viability of the country. The Council welcomes the planning undertaken by UNHCR, IOM, and the International Police Task Force (UN-IPTF) with help from IFOR to bring this about. It calls on the parties to cooperate and to welcome returnees. It welcomes the bilateral and multilateral activities of host and transit countries aimed at the creation of favourable conditions and close co-operation for the return of refugees. At the same time, the Council reiterates the obligation of States under international law to take back their own nationals. There must be urgent action on the following points:

- rehabilitation of housing and other basic infrastructure coordinating as far as possible with economic reconstruction aid
- removal of legal and administrative obstacles to the return of refugees and displaced persons

- co-operation by the parties under the UNHCR guidelines for visits by refugees and displaced persons to their localities ("assessment visits")
- co-operation by the parties with UNHCR bus services across the IEBL.

14. The Council asks governments to support UNHCR by:

- providing detailed data on refugees and people receiving temporary protection living in their country
- facilitating journeys and transit by refugees to and from Bosnia and Herzegovina by taking measures similar to those already agreed by several governments in Bonn on 29 May
- disseminating urgently to refugees information on repatriation procedures (notably the UNHCR Repatriation Information Reports) and making procedures as easy and as helpful as possible
- reassuring the refugees that voting in the elections in no way alters their current status
- contributing to the UN appeal for humanitarian assistance and notably to their emergency shelter programme to provide basic housing rehabilitation materials to individuals repairing houses

15. The Council calls

- on the Commission on Real Property Claims for Refugees and Displaced Persons now established in Sarajevo with the assistance of the International Organisation for Migration (IOM), to proceed urgently with its task of registration so as to provide property owners with the assurance that their rights will be preserved
- on local authorities to cooperate with the Commission
- on the parties to repeal or appropriately amend property laws which are inconsistent with the right, as set out in the Peace Agreement, of return and to their property.

Sarajevo

16. The Council stresses the importance of Sarajevo as the capital of Bosnia and Herzegovina and of supporting its multi-cultural and multi-ethnic heritage. The Council regrets profoundly the departure from Sarajevo of the bulk of its long-standing Serb inhabitants and notes with deep concern the reports of continuing harassment and intimidation. It welcomes the agreements recently reached in the Joint Civilian Commission for Sarajevo (JCCS) to enable those willing to return to the city to do so and requires by 1 July implementation of agreed measures concerning preservation of property rights, freedom of access and continuity of the educational system and participation in public life. The Council welcomes the inclusion of local Serbs in the Ilidza Municipal Council and calls for similar steps in other municipalities.

17. The Council stresses the importance of the work being done in the JCCS for the rehabilitation of the city, which will encourage those who fled to return, and praises the recent efforts of the local authorities and the international community. Much still remains to be done. It calls for early agreement on the administrative status of Sarajevo in a form which will enable the inhabitants to identify themselves as Sarajevans, and for the re-opening, as soon as possible,

of Sarajevo airport to civilian traffic, as a major step towards the return of normal life and commercial activity.

Holding of Elections

18. Democratic elections are the foundation of representative institutions in Bosnia and Herzegovina.

19. The Council has heard reports from the Chairman in Office of the Organisation for Security and Co-operation in Europe (OSCE), the Head of the OSCE Mission in Bosnia and Herzegovina, and Chairman of the Provisional Elections Commission (PEC), and the High Representative. It thanks the Head of the OSCE Mission and the team under him, as well as the High Representative for the immense effort they have and continue to put into the complex task of supervision of elections. In the light of the statement made by the Head of the OSCE Mission, which the Council welcomed, it recommends to the Chairman in Office of the OSCE that elections shall take place on 14 September in accordance with the timetable of the Peace Agreement.

20. The Council has discussed with the Chairman in Office of the OSCE the extent of observance of the democratisation criteria. It agrees that considerable progress has been made but that, before polling day, it expects and will work for additional improvement in realising freedom of movement between and within entities and freedom of expression. The Council therefore agrees that the Chairman in Office of the OSCE, in conjunction with the High Representative, should keep progress under review to be able to give his decision on certification after discussion in the OSCE Permanent Council.

21. The Council fully endorses the electoral rules and regulations adopted by the PEC.

22. As regards freedom of expression, the Council underlines the paramount importance of the role of the media. Unimpeded work of journalists in all parts of Bosnia and Herzegovina will be crucial for elections. The Council requests the Parties to implement fully the agreed measures announced in Geneva on 2 June and in particular:

- draws attention to the relevant rules and regulations concerning media agreed by the Provisional Election Commission
- urges the Parties to guarantee equitable access by candidates and political parties to the state media
- calls upon members of the international community which have not yet done so to provide financial support for media development and
- welcomes the establishment of a new independent radio network in Bosnia and Herzegovina
- endorses the proposal for the development of a network composed of independent television stations
- calls upon the Parties to grant the frequencies and licences necessary to enable the network to be set up immediately.

23. In order to promote free and fair elections, the Council calls upon political parties and candidates to:

- participate fully on the basis of PEC rules and regulations
- campaign constructively refraining from hostile and negative propaganda and
- encourage a high voter turnout.

It condemns talk of boycott which would cast grave doubt on the commitment of the parties to the future of their own country.

24. Council members undertake to support the arrangements being made by the OSCE, with the help of IFOR, to supervise the elections in particular by providing the necessary supervisors and observers. The Council stresses the urgency of governments completing the practical arrangements that they are providing to ensure that all refugees are enabled to exercise their franchise. This is needed without delay so that refugee registration can begin by 20 June. The Council, while recalling that the financing of the Local election Commissions is the responsability of the Federation and the Republika Srpska, also supports the request for urgent financial assistance from the international community to enable these Commissions to perform their tasks quickly and efficiently. The Council notes the French proposal to consider a two year period of stabilisation and asks the Steering Board to examine it.

The Federation

25. The Council emphasises the significance of the Federation in Bosnia and Herzegovina. Its strengthening is vital to stability.

26. The Council notes that elections in Mostar will take place on 30 June on a basis agreed by the European Union Administrator with the authorities of the city. The Council also notes the possibility for the European Union, if the outcome of the elections provides a satisfactory basis, to extend its presence and then integrate the city into the implementation structures of the Peace Agreement. It welcomes the agreement of 25 May and stresses the need for the Parties to fully comply with it.

Implementing the Constitution

27. The creation and functioning of the new institutions of Bosnia and Herzegovina following the elections constitute the culmination of the Peace Agreement. They constitute, in effect, the democratic birth of the country. In their absence long-term stability in Bosnia and Herzegovina will be very difficult to achieve. Thus, the phase of implementation starting in September through to December and beyond will be exceptionally important. Active preparation is needed now.

28. The Council has been briefed by the High Representative on the complex political and constitutional process that must be put in train after the elections in order for the legislative and executive institutions to come into being in the two entities and in Bosnia and Herzegovina as a whole. It thanked him for the work he has accomplished in chairing the Joint Interim Commission and gave him full support for this continuing task. It welcomes the fact that amendments are being made to existing entity constitutions of the Federation and Republika Srpska to bring them into conformity with the constitution of Bosnia and Herzegovina. The High Representative is asked to review these amendments and the parties are expected to make any further changes that may be necessary.

29. The Council calls on parties to ensure the prompt functioning of the institutions to function promptly after the elections. The Council agrees that the necessary preparatory work will be addressed in the framework of the Joint Interim Commission and asks the parties to co-operate closely with the High Representative in order to ensure the early establishment of institutions. Inter alia the parties will have to convene the Presidency of Bosnia and Herzegovina, select the delegates to the House of Peoples of Bosnia and Herzegovina, convene a Parliamentary Assembly of Bosnia and Herzegovina and adopt internal rules of procedures. As the key institution directly elected by the peoples of Bosnia and Herzegovina which is empowered to represent Bosnia and Herzegovina in international life, the Council draws attention to the extreme importance of the parties convening the Presidency no later than five days after the result of their election is declared and to appointing their Chair at that time.

Human Rights and Humanitarian issues

30. Justice and respect for human rights in Bosnia and Herzegovina are prerequisites for lasting peace and reconciliation, and are bound to affect continued international support for reconstruction. The willingness of the Parties to fulfil their commitments under the Peace Agreement, including the observance of the highest standards of human rights, and the readiness of the international community to commit financial resources for development of a civil society and for economic reconstruction are related.

31. The Council had before it a report on the state of human rights in Bosnia and Herzegovina from the Office of the High Representative. It has heard a statement from the United Nations Special Representative of the Secretary General, the President of the International Criminal Tribunal on the Former Yugoslavia, and the Heads of other relevant agencies.

32. The Council has discussed the human rights situation in Bosnia and Herzegovina. Although some progress has been made since the signature of the Peace Agreement, the Parties have not yet taken adequate steps to protect and respect the rights and freedoms set forth in the European Convention on Human Rights and its Protocols to which they have bound themselves. The Council is troubled by the Parties' failure so far to take the next steps basic to the peace process and to reconciliation including the adoption of amnesty laws meeting international standards, bringing property legislation into conformity with the right of return, as well as permitting freedom of movement. They must act urgently.

33. The Council welcomes the establishment of the Human Rights Commission, which according to the Peace Agreement includes the Human Rights Chamber and an Ombudsperson for Human Rights. The Council commends the work done by the Ombudsperson in handling complaints, and urges the Human Rights Chamber to begin hearing cases.

34. The Council expresses particular concern over reports that authorities in both entities have contributed to ethnic division directly by committing, inciting or sanctioning human rights violations and implicitly by failing to act in the face of harassment and intimidation. In order to reverse the trend

toward ethnic separation, the parties must work actively to create conditions conducive to the return of refugees and displaced persons to their homes and to ensure that vulnerable people, including those with opposing political views, are able to return and live in safety. Religious leaders of all faiths should exercise their influence to encourage the development of civil society. The Council calls on the parties to co-operate closely with IPTF and, in particular on political authorities, to reduce the excessive numbers of police personnel, and to establish, with the support and guidance and IPTF, training and education courses in order to ensure policing practices are consistent with international human rights standards.

35. The Council commends the work of the human rights implementing organisations, especially the OSCE, the UN High Commissioners for Human Rights, the ICRC, the UNIPTF, and the European Community Monitoring Mission, and expresses support for their continued co-operation with the Office of the High Representative through the Human Rights Co-ordination Centre. It calls on the parties to co-operate with these agencies. In reviewing their work the Council has identified the need for urgent action in the following areas:

- cessation of the practice of arrest of individuals and the conditioning of their release on the release by the other party of other detainees
- immediate steps, including public statements and instructions to local authorities, to make clear that harassment and intimidation of vulnerable population groups, including those persons who hold opposing political views, will not be tolerated
- enhanced co-operation with ICRC to identify and register remaining persons detained in relation to the conflict, and the immediate subsequent release of such individuals
- implementation of a process of review of cross IEBL arrests to determine according to international standards whether there is sufficient evidence to warrant detention
- adoption by the Federation and Republika Srpska of amnesty legislation meeting the requirements of the international community and
- development of procedures to identify and take action against officials directly or tacitly involved in violation of international human right standards, including those who block freedom of movement.

36. The Council also stresses that determining the fate of the thousands who remain unaccounted for following the tragic conflict in Bosnia and Herzegovina is a cornerstone of the effort to build a lasting peace. To that end, the Council calls upon the Parties to accelerate and intensify their efforts to co-operate with efforts of members of the ICRC Working Group on the Unaccounted For to resolve these cases. The Council believes that, in keeping with the priority given to determining the fate of the missing, exhumations for purpose of identifying remains should occur only after other means of investigation have been unsuccessful or in cases where no other satisfactory method is available. In all cases, exhumation should be performed in accordance with internationally recognised standards and under the supervision of international experts.

War Crimes

37. While the Parties' compliance with their obligations with respect to war crimes and co-operation with the International Criminal Tribunal for the former Yugoslavia (ICTY) has improved somewhat, the record is incomplete and inadequate. To date, only the authorities of Bosnia and Herzegovina have complied by arresting individuals indicted for war crimes by the ICTY.

38. The Council notes that in Republika Srpska action has begun to remove Mr. Karadzic from exercise of authority. Under the terms of the Peace Agreement, continuation is unacceptable and there can be no exception from the obligation to surrender such persons to ICTY for trial.

39. The Council also calls on the Parties to implement expeditiously the "Rules of the Road" agreed in Rome on 18 February. Consistent with these rules the parties should

- submit immediately to ICTY for review lists of people suspected of having committed violations of international humanitarian law with the supporting evidence
- submit immediately to ICTY case files on those arrested in contravention of the "Rules of the Road" on suspicion of war crimes
- release immediately all persons arrested on suspicion of war crimes for whom files have not been sent to the Tribunal or in relation to whom the Tribunal determines that the evidence presented is insufficient to warrant further detention.

Reconstructing the Economy of Bosnia and Herzegovina

40. Reconstruction and economic recovery are crucial to the restoration of peace and stability in Bosnia and Herzegovina.

41. A $5.1 billion priority reconstruction programme has been prepared by the European Commission, the European Bank for Reconstruction and Development (EBRD) and the World Bank and endorsed by Bosnia and Herzegovina and pledges of financial support totalling $1.8 billion have been obtained through two donors' conferences held in Brussels to meet the reconstruction needs of the country in the first year. Disbursement has begun. Bosnia and Herzegovina has become a member of the International Monetary Fund (IMF), the World Bank and the EBRD and a beneficiary of the EU PHARE programme.

42. The Council has heard statements from the Commissioner for External Relations of the European Commission and from the Managing Director of the World Bank. A joint report of the European Commission and the World Bank has been presented to the Council on progress to date in the reconstruction. The Council commends the work done by the international financial institutions and the European Commission and expresses its appreciation for the contribution made by IFOR to economic rehabilitation.

43. The economic reconstruction of the country is in its early stages. The opportunity for progress bringing employment, including to demobilised soldiers, and a progressive return to normal life, is now available. The rapid

disbursement of funds pledged so far is a top priority. The speed of action in the second part of 1996 depends to a large extent on the co-operation shown by the parties themselves and their willingness to bring about the political and administrative conditions in which project implementation can take place rapidly. The Council regrets that Republika Srpska did not attend the Brussels Donors Conference thereby losing a major opportunity. It welcomes their presence in Florence and reiterates the importance it attaches to re-integrating the economy of Bosnia and Herzegovina by linking the economies of the two entities, assisting them both according to their needs on a fair basis provided they comply with their obligations under the Peace Agreement.

44. The Council had before it a report from the Special Representative of the United Nations Secretary General on the functioning of the Mine Action Centre (MAC) in Sarajevo. The Council notes the major importance of mine clearance for economic reconstruction and resettlement of the population and the urgency of getting a large-scale programme under way. The Council supports an acceleration of the MAC's work. It draws attention to the responsibility of the parties to undertake demining and to provide personnel for this.

45. Priorities are the revival of economic activity and the creation of jobs. Of crucial importance in this respect is the restoration of public utilities: electric power, water, gas, functioning communications, transport and telecommunications. The international community is also willing to assist the people of Bosnia and Herzegovina to return to normal life and to make the psychological transition to the pursuit of economic well being instead of war by helping with such things as the re-opening of schools and hospitals and other day to day facilities.

46. During the next six months, the Council notes that complementary action in Bosnia and Herzegovina and in the international donor community is indispensable.

47. Within Bosnia and Herzegovina there must be:

- domestic policies and leadership which facilitate rapid implementation, promote a stable economic environment and sustainable growth
- no further delays in establishing and strengthening key economic institutions both within and between the entities, since these would seriously delay economic recovery, re-integration and the implementation of reconstruction projects.

48. The Council is encouraged by the fact that, following the Sarajevo agreement of 30 March, a Federation Customs Agency has been established as a first step towards a unified customs administration. Internal check-points have been removed and an International Customs Observer Mission (ICOM) has been deployed. The Council had before it a report from the Customs and Fiscal Assistance Office (CAFAO) concerning the assistance given to set up an efficient finance administration. In order to bring about free movement of goods and the harmonisation of the legal and institutional framework for economic policy, the Council also calls for the urgent initiation between the entities of institutional co-operation in areas of common interest, beginning with

operational links between their payments systems, removal of customs checkpoints between them and co-operation on customs administration.

49. The Council notes the report from the International Monetary Fund on implementation of macroeconomic and structural policies in Bosnia and Herzegovina. It is concerned that little progress had been made so far by the parties in agreeing on the modalities and timetable for establishing the new Central Bank and common currency. In their own interest, the Council urges them to co-operate fully with IMF in accelerating agreement on issues still unresolved.

50. The Council stresses the importance of the early adoption of laws and regulations encouraging private investment, inter alia, in the fields of ownership and sale of property, contracts, bankruptcy and labour relations to form the basis of a market economy. The parties should also encourage the return on a voluntary basis of qualified and skilled people to take key positions in the public and private sector. IOM is willing to assist in this important task. The Council appeals to the international business community to consider early business engagements in Bosnia and Herzegovina thus making a contribution to job creation.

51. Among international donors, there must be:

- continued strong and concerted support for the priority reconstruction programme with timely financing on flexible terms
- strengthened continuing co-ordination, in order to avoid possible fragmentations and focusing support on projects contained in the priority reconstruction programme
- active support by donors for the work in the field of the co-ordinating task forces
- urgent allocation of the 25% of donors' pledges for 1996 which have yet to be committed to enable rapid disbursement on the ground
- the closure as a matter of urgency of funding gaps, which are especially serious for some major infrastructure projects, notably power, transport and telecommunications
- assistance given in the form of grants as far as possible
- continuing commitment to the totality of the priority reconstruction programme.

52. The Council requests:

- the Steering Board to monitor closely the extent of compliance and co-operation of authorities in Bosnia and Herzegovina with their obligations under the peace treaty
- the High Representative to report to the Steering Board on any reconstruction projects or measures he considers necessary to ensure proper balance between compliance and the receipt of reconstruction assistance.

The Regional Dimension

53. The stability of Bosnia and Herzegovina is linked to the stability of the region. The Council agrees on the importance of ensuring long-term stability and security within Bosnia and Herzegovina as an important contribution to stability of the region as a whole. It agrees that political stability has a number of components: arms control and confidence-building, democratic institutions and the protection of minority rights, and economic progress.

54. The Council welcomes the implementation of the Vienna Agreement on Confidence and Security Building Measures signed on 26 January 1996 under the Chairmanship of the Personal Representative of the Chairman in Office of the OSCE. The Council notes the progress accomplished and calls on the parties to maintain full cooperation.

55. The Council congratulates Ambassador Eide on the successful negotiations on sub-regional arms control which have concluded with the signature in Florence on 14 June of an Agreement. It calls on the Parties to take the necessary steps to implement this agreement, which would facilitate the opening of the next round of negotiations on regional arms control. The Council will review issues relating to regional stabilisation at its next meeting.

56. The Council notes that since the meeting in London on 8/9 December there has been some progress on normalisation of relations between countries of the region. Recognition and establishment of diplomatic relations between Skopje and Belgrade has been a contribution to stability, as has the progress registered in relations between FRY and Croatia, which should lead to the establishment of full bilateral relations. They urge Bosnia and Herzegovina and the FRY to strengthen their relations following the start made at the meeting in Rome on 18 February.

57. The Council has heard the report of the High Representative on his work on regional issues. The action plans on minorities and state succession constitute a good basis for further work.

58. The Council recalls all countries concerned of the mandate of the Regional Issues Working Group to continue the efforts to resolve ethnic questions in the former Yugoslavia. Thus, the Council urges both the participating countries in the peace process, Croatia and the FRY, as well as the Former Yugoslav Republic of Macedonia, to continue to co-operate fully in the search for solutions of outstanding problems. With reference to Kosovo, the Council calls upon both the Government of the Federal Republic of Yugoslavia and the representatives of the Albanian community of Kosovo to embark, with the support of the Working Group on Human Rights and National Minorities, on a dialogue aimed at the peaceful settlement of existing problems based on a status of autonomy.

59. The Council notes that the High Representative has initiated work on succession issues and had appointed a Special Negotiator for this task. He has embarked on consultations with the Governments concerned with the intention of presenting his recommendations before the end of the year.

60. The Council urges all those concerned to cooperate fully and in good faith in the search for solutions of outstanding problems. The Council looks forward to significant progress being made between now and the end of the year on these issues and asks the High Representative to report at the next meeting with recommendations on the results of his efforts and the cooperation received.

61. The Council hopes that alongside arms control, various initiatives fostering regional cooperation would be developed including the Stability Process under the terms of the Royaumont Declaration of 12 December 1995, the Balkan Conference initiated by the Bulgarian Government on regional stability, security and cooperation in South Eastern Europe and the South East Europe Co-operation Initiative of the US Government.

62. The Council has heard a report from the Presidency of the European Union concerning the Union's regional approach. The Union intends, on the basis of its political guidelines, to establish strong relations with all states of Former Yugoslavia, thereby encouraging cooperation between them, as a major contribution to stability and prosperity in the region.

Eastern Slavonia

63. The Council has heard a report from the United Nations Transitional Administrator of the region of Eastern Slavonia. Since the establishment of UNTAES on 15 January 1996, valuable initial progress has been made towards the goal of peaceful reintegration of the region into the whole of the Republic of Croatia. Demilitarisation is currently taking place and is expected to be completed by 20 June. The Council notes the Transitional Administrator's emphasis on the need for international financial support to assist in the revitalisation of the economy of the region.

64. The Council stresses that The Basic Agreement of 12 November 1995 must be implemented by both parties in ways that will retain the multiethnic character of the region, enable all refugees and displaced persons to enjoy the right to return freely to their homes and live there in conditions of security, and promote respect for the highest standards of human rights and fundamental freedoms. The Council welcomes the establishment of an OSCE mission in Croatia and calls on the Republic of Croatia to reconsider as soon as possible the amnesty law to make it comprehensive and stresses the importance of such a measure for maintaining public confidence and stability as well as for facilitating the return home, at an accelerated rate, of Krajina Serbs.

Brcko Arbitration

65. The Council agrees on the importance and urgency of the international arbitration of the issues connected with Brcko.

66. It welcomes the appointment of Dr Sadikovic and Dr Popovie as the arbitrators respectively for the Federation of Bosnia and Herzegovina and Republika Srpska on the Brcko Arbitration Tribunal provided under the terms of the Peace Agreement. The Council requests the arbitrators to agree on a third arbitrator as soon as possible. It attaches great importance to their work

being completed well before the deadline of 14 December and it calls for the earliest possible start.

Conclusion

67. The Chairman concluded that the implementation agenda between this meeting of the Council and the next was important and weighty. In the name of the Council, he called on the parties to work all out for genuine fulfilment of all provisions of the Peace Agreement and the international community to assist them in this to ensure complete success.

Appendix II

Implementation of the human rights provisions of the Peace Agreement

Mid-Term Review Conference, 13 June 1996

IMPLEMENTATION OF THE HUMAN RIGHTS PROVISIONS OF THE PEACE AGREEMENT

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I. EXECUTIVE SUMMARY

Although some progress has been made since the signature of the Peace Agreement, the Parties have not taken adequate steps to fulfill the commitment set forth in Annex 6 of the agreement "to secure to all person within their jurisdiction the highest level of internationally recognized human rights and fundamental freedoms." While it would be unrealistic to expect immediate implementation of all of the varied and comprehensive human rights commitments embodied in that broad pledge, the shortcomings in this case are more profound. In both entities, some authorities have contributed to ethnic division both directly by committing, inciting or sanctioning human rights violations and implicitly by failing to act in the face of harassment and intimidation of ethnic minorities. In the Sarajevo suburbs and in Teslic, for example, it is not simply the right to return which is at stake, but also the right to remain and live in safety. In addition, the Parties have failed to take certain concrete steps which are fundamental to the peace process and which could be accomplished immediately with sufficient political will, including adopting amnesty laws which are consistent with the peace agreement, bringing property legislation into compliance with the right to return, permitting freedom of movement and releasing persons who are arbitrarily detained.

At the same time, the everyday life for the vast majority of people in Bosnia and Herzegovina has improved dramatically in the past six months. The successful implementation of the military provisions of the Peace Agreement has provided a stable environment in which people have begun to resume their lives. Along with this change, basic institutions essential to protection of human rights have been established. The creation of the Human Rights Commission, including its component parts the Human Rights Chamber and the Ombudsperson's Office, is a substantial step towards making the protections set forth in the Peace Agreement a reality in Bosnia and Herzegovina. Efforts are underway to improve the situation in other institutions, including projects to significantly strengthen independent radio and TV, restructure the police, and reform the judiciary. These changes are not just key steps to realisation of the human rights provisions of the Peace Agreement, they are fundamental ingredients for a stable peace. Again, progress in these areas continues to fall short of expectations, but the situation represents a considerable improvement nevertheless.

One of the most positive developments which has occurred in the past months is the improvement in the situation as it relates directly to human rights monitoring. The Peace Agreement calls for the a number of organisations to play a substantial role in human rights monitoring and protection in Bosnia and Herzegovina, including OSCE, the UN IPTF, UNHCR and the UN High Commissioner for Human Rights. While resources have often not matched the commitment of these organisations in the human rights monitoring field, the fact remains that there are monitors deployed throughout Bosnia and Herzegovina, and that we are now presented with a much more comprehensive picture of the human rights situation throughout Bosnia and Herzegovina than was possible before the Peace Agreement. The record of human rights violations compiled by these organisations forms the basis of the second section of this report. Human rights monitors have, unlike the population at large, been afforded nearly complete freedom of movement in carrying out their tasks, although there have been isolated incidents in which

international monitors have been harassed or threatened. In addition, the activities and reporting by international and local non-governmental organisations has expanded greatly, although these organisations have not always been able to operate as freely. We have witnessed the first stages of a re-establishment of the local non-governmental organisations in Bosnia and Herzegovina. While a few well-established NGOs have considerable expertise from before and during the war, the domestic NGO community is substantially underdeveloped and warrants considerable attention and support given its crucial role in the country in the coming years.

The overall human rights situation in Bosnia and Herzegovina, however, is far from adequate. Human rights monitors report a high number of incidents involving overt discrimination and violence directed against minority populations, including instances of forced evictions, beatings and arbitrary arrests/detention; in too many cases the authorities are either unresponsive or directly involved in committing such abuses. The security situation for vulnerable populations remains precarious in many parts of the country - in Sarajevo the continued harassment and intimidation of remaining Serbs has caused many to rethink their decision to remain after the transfer of authority; in Mostar and elsewhere political hardliners continue to use inflammatory nationalist rhetoric to maintain ethnic tension; and in Teslic, Banja Luka and Prijedor, authorities have not taken action to stop violent intimidation directed at ethnic minorities reminiscent of tactics used during the conflict. Also, more subtle discrimination through administrative practices, such as threats of dismissal from employment and requiring "loyalty oaths," are evident in both entities.

Despite some progress, fundamental impediments to freedom of movement remain. Police continue to set-up unauthorised temporary checkpoints along the IEBL, subjecting persons to unnecessary delays and harassment, including verbal or physical abuse or confiscation of identity documents. Attempts by organised groups to cross the IEBL to visit pre-war places of residence have on many occasions been violently disrupted, calling into question the Parties' commitment to cooperate with UNHCR to facilitate the return of refugees and displaced persons in safety and with dignity.

In a number of areas, legal reforms are critical to improving the overall human rights picture. For example, police continue to arbitrarily arrest and detain individuals, sometimes with the stated purpose of having someone to "exchange;" arrests on vague suspicions of war crimes undermine freedom of movement. Detained persons are routinely denied access to counsel during the initial stage of detention. The vast majority of complaints received by human rights monitors relate to denial of property rights, in large part because laws which are contrary to the right to return continue to be enforced. On the media side, administrative and technical barriers to the expansion of independent media remain in place, and the program content of state-run electronic media is still heavily skewed in favour of the ruling parties.

The Parties' substantial shortcomings in implementing the human rights provisions of the Peace Agreement must be rectified. To achieve that end, the many international organisations and NGOs involved in monitoring and protecting human rights in Bosnia and Herzegovina will need to intensify their efforts to

push for compliance with international human rights standards. While the international community has taken significant steps to work together on human rights issues, these efforts too must be enhanced to ensure that the response to substantial human rights violations is swift and sure. At the last meeting of the Human Rights Task Force, it was decided that the major implementing organisations would jointly agree on several priority cases or situations concerning which concrete strategies would be developed for ensuring that the Parties meet their human rights obligations. By focusing attention on these cases, the participants in the HRTF hope to set precedents for future action and to demonstrate to the Parties that continuing failure to implement the human rights provisions of the Peace Agreement will not be tolerated.

II. HUMAN RIGHTS INSTITUTIONS AND MONITORING ORGANISATIONS

The human rights provisions of the Peace Agreement provide for both long-term structures and immediate measures to enhance human rights protection in Bosnia and Herzegovina. A number of organisations have accepted the explicit invitation of the Peace Agreement to establish monitoring missions in the country. The mandates and geographical coverage of these groups varies, however, presenting a patchwork of sometimes overlapping activities and gaps in certain areas. The initial steps have been taken to create permanent institutions which will handle human rights cases and address the crucial issue of property claims. The true test of the impact which these organisations will have on the human rights situation in Bosnia and Herzegovina, however, has not yet occurred. The Human Rights Commission and the Commission for the Real Property Claims of Displaced Persons and Refugees require not just the tacit support of the Parties, but their active involvement to ensure that the decisions of these institutions are promptly and fully enforced.

PEACE AGREEMENT INSTITUTIONS

The Commission on Human Rights

The Commission on Human Rights established by the Peace Agreement is composed of two parts: the Human Rights Chamber and the Office of the Ombudsperson. Under Annex 6, Article III(2), the Parties are responsible fore providing fully adequate funding for the Commission to fulfil its mandate. Recognising the difficulties which both entities face in meeting the obligation, an international funding appeal has been launched on behalf of the Commission (as well as the Annex 7 Commission). The Human Rights Chamber and the Office of the Ombudsperson have each received grants for their first year of operations from foreign governments in the amount of $1 million.

Human Rights Chamber The Human Rights Chamber was established and held its first session from 27-30 March. During its next two sessions, the Chamber continued consideration of its draft Rules of Procedure. The Chamber has not yet begun to receive or hear cases.

The Office of the Ombudsperson The Office of the Ombudsperson Office published its Rules of Procedure and began accepting complaints at the end of March. As of 1 June, the Office had received some 133 cases. According to the Office's procedures, these cases are divided into provisional files (108) where there is

some obstacle to proceeding with the case (e.g., further information necessary, jurisdiction between the Ombudsperson and other institutions is unclear, or where formal requirements for admissibility have not been met) and registered cases (25). The Ombudsperson intends to open an office in Banja Luka. Other organisations, including OSCE, have agreed to assist the work of the Ombudsperson by distributing complaint forms through their field staff.

While the organisational steps which have been taken to date are necessary precedents to a more substantial role, the Commission has not yet had a substantial impact on the human rights situation in Bosnia and Herzegovina, as evidenced by the relatively small number of complaints which have been submitted to the Ombudsperson's office. Efforts are underway to increase public awareness of the Commission's work, including the process for filing a claim.

Commission for the Real Property Claims of Displaced Person and Refugees

The Commission for the Real Property Claims of Displaced Persons and Refugees established in Annex 7 of the Peace Agreement will consider individual claims of refugees and displaced persons relating to ownership or tenancy of real property. The Commission will assist affected persons in regaining their property or receiving appropriate compensation. The Commission was inaugurated on 27 March and is comprised of nine members; three are international experts and six others were appointed by the Federation (4) and Republika Srpska (2).

The Commission has held several working sessions with the participation of intergovernmental organisations concerned with property related issues. It recently appointed an Executive Officer to develop systems and structures to handle the large number of claims that it expects will be filed. In early June, the members met in Rome to discuss a number of complex technical questions related to the work of the Commission, including determining types of compensation to be offered. The Commission expects to start receiving claims in late July or August, at which time it will launch a public information campaign in Bosnia and Herzegovina and abroad to explain the application process.

Given the complexity and importance of the issues at stake, the Commission's efforts to establish a sound procedural footing for its work are crucial. At the same time, it is essential that the Commission begin to consider cases, especially those with precedential value, with all possible speed.

Office of the High Representative

Human Rights Task Force Recognising the need for coordination in the human rights field, the participants in the London Conference called upon the High Representative to establish a Human Rights Task Force to bring together the multiplicity of organisations involving in implementing the human rights provisions of the Peace Agreement. Following two large meetings in Brussels, the Human Rights Task Force has convened a number of meetings in Sarajevo. Participants in the HRTF/Sarajevo, in addition to the implementing organisations, include a broad range of local and international NGOs. Much of the work of the Human Rights Task Force is accomplished through the smaller working subcommittees of the HRTF which were established in March to deal more

substantively with issues which required additional coordinated action. Subcommittees have been formed or ad hoc meetings held under the HRTF umbrella on the subjects of: property, detention issues and trial-monitoring, legal assistance and representation, and public information efforts involving human rights. The Property Subcommittee has met on a weekly basis for several months. The subcommittee has derived a set of agreed principles for immediate steps which must be taken to bring property legislation into compliance with the rights to return and property set forth in the Peace Agreement and agreed on a strategy for advocating changes in property laws; participants are working both together and individually toward their agreed goals.

Human Rights Coordination Centre (HRCC) Participants in the first Human Rights Task Force meeting in Brussels on 26 January agreed that a central point for collection of human rights information and day-to-day coordination of human rights activities was needed. In response to the call for coordination of human rights implementation efforts and in order to support his work in the area, the High Representative established the Human Rights Coordination Centre (HRCC) within his office. The staff of the HRCC includes representatives of the Organisation for Security and Cooperation in Europe, the UN International Police Task Force and two experts made available by the UN High Commissioner for Human Rights, as well as liaisons from UN Civil Affairs, the European Community Monitoring Mission, the UN High Commissioner for Refugees and the International Committee of the Red Cross. Participants in the HRCC work together to ensure coordinated, effective responses to human rights situations of particular concern. Substantial progress has been made in creating an information clearinghouse for reporting from the major implementing organisations. Each of the participating organisations provides its reporting to the HRCC on a daily basis, and the HRCC receives ad hoc reporting from international and local NGOs on the human rights situation in Bosnia and Herzegovina.

The human rights activities of the Office of the High Representative have met with modest success during the past months. The impact of the Human Rights Coordination Centre is largely dependent upon the support it receives from implementing organisations who, in turn, work with the HRCC in proportion to its usefulness to them in fulfilling their own mandates. Given the overlapping roles and competing interests of the many organisations working in the human rights field, the coordination of their activities which has been achieved through the HRCC is both noteworthy and valuable. The HRCC should in the coming months provide more thorough public reporting concerning its activities and human rights issues of particular concern. In addition, efforts to link the work of the HRCC to coordination activities in other areas (including Bihac, Tuzla, Banja Luka and Mostar) should be enhanced.

INTERGOVERNMENTAL ORGANISATIONS

Under the Peace Agreement, the United Nations Commission on Human Rights, the OSCE, the United Nations High Commissioner for Human Rights, and other intergovernmental and regional human rights organisations are invited to monitor closely the human rights situation in Bosnia and Herzegovina. These organisations are joined by the UN High Commissioner for Human Rights, the UN International Police Task Force, both of which have substantial human rights components in their mandates. Other regional organisations, including the ECMM

and the Council of Europe, also have substantial human rights activities in the country. Finally, the bodies established for monitoring compliance with the many human rights treaties which form a part of the human rights obligations of the Peace Agreement also follow the human rights situation in Bosnia and Herzegovina closely.

UN Mission in Bosnia and Herzegovina

UN International Police Task Force In fulfilling its mandated duties of monitoring, observing and inspecting law enforcement activities and facilities, including associated judicial organisations, structures, and proceedings, the UN IPTF plays a substantial human rights monitoring role. IPTF officers report on and seek resolution of a broad range of human rights violations, including restriction on freedom of movement, incidents of harassment, intimidation and violence based on ethnicity or political affiliation, arbitrary arrest and detention, and inhuman or degrading treatment or punishment. IPTF monitors the activities of local police and judicial authorities, and intervenes as appropriate to address improper conduct by law enforcement officials. There are currently more than 1,400 IPTF monitors in the mission area, including a designated Human Rights officer in each of the UN IPTF's three regional headquarters and an IPTF Human Rights liaison within the Human Rights Coordination Centre. UN IPTF Region South recently initiated special community outreach patrols in the Sarajevo suburbs.

Given the critical role that law enforcement officials play in protecting (and sometime violating) human rights and the fact that IPTF officers far outnumber the field staff of any other monitoring organisation, human rights has a central place in the mandated responsibilities of UN IPTF. However, IPTF officers have no executive authority and are required to rely in large part on cooperation by the authorities. When the scope and limitations of IPTF's human rights mandate are considered, the current shortcomings in IPTF's activities are predictable, but critical nevertheless. IPTF has done an effective job of creating a country-wide reporting system, but the quality of the reporting varies greatly from district to district. This problem is in no small part attributable to substantial operational and logistical problems in many stations. IPTF has been plagued by a lack of sufficient resources, including inadequate communications and transport and a significant shortage of translators. There are also substantial gaps in IPTF reporting concerning certain aspects of its mandate, including detention-related information. While IPTF is attempting to address this issue through the establishment of a comprehensive database on detention, for the time-being, questions concerning persons detained are handled on an ad hoc basis, with significant attention devoted to some cases but with gaps in coverage and without a general perspective. Problems have also arisen given the lack of human rights training for IPTF monitors, who come to the UN IPTF mission with differing levels of knowledge concerning the applicable human rights standards. IPTF has recently taken substantial steps to address this issue, through instituting a comprehensive human rights training program designed and led by the UN Centre for Human Rights/UNHCHR.

UN Civil Affairs UN Civil Affairs staff support the work of IPTF, including by monitoring and responding to human rights issues which arise in the field. Many

of the 45 Civil Affairs officers provide useful human rights information as an aspect of their overall analysis and assessment of the political and social situation in their locations. UN Civil Affairs also provides its "good offices" for the resolution of problems and has been involved in liaising with local authorities on cases of discrimination, harassment, and violence based on ethnicity or political affiliation; violations of freedom of movement; and evictions and property issues. UN Civil Affairs has designated a Human Rights Officer at its headquarters and in each of its three regional offices; at the headquarters and in the field, UN Civil Affairs officers work closely with other organisations active in the human rights field, including the Human Rights Coordination Centre. UN Civil Affairs is providing much needed support to assist IPTF in fulfilling its human rights mandate; these efforts are valuable and should be enhanced.

Organisation for Security and Cooperation in Europe

OSCE is both "invited" under the Peace Agreement to monitor closely the human rights situation in Bosnia and Herzegovina and to provide assistance to the Parties in creating social conditions under which elections can be effective. OSCE's principal efforts are dedicated to initiatives to improve the internal situation in the country by implementing its 12-point democratisation strategy. In addition, OSCE maintains a major programme of monitoring and reporting on human rights conditions with a view to intervening on behalf of individuals and bringing an end to recognisable patterns of human rights abuses. OSCE's human rights component has a staff of 40, including the human rights officers who work with the Federation Ombudspersons. These officers are deployed in the mission headquarters (7), in six regional centres (13) and in 15 field delegations (20).

Concerns were initially raised over the size of the OSCE human rights monitoring mission, the extent of the staff's human rights experience, and the lack of human rights training provided by OSCE prior to deployment of its monitors. These questions have, however, largely been resolved in OSCE's favour. As the only intergovernmental organisation with a substantial number of specifically-designated human rights field monitors, OSCE has provided useful, professional reporting in both the Federation and the Republika Srpska. Also, OSCE's mandate encourages active intervention on human rights issues by its monitors. Despite their best efforts, however, the limited number of OSCE monitors has meant that the picture provided by their reporting is at best an accurate snapshot of the human rights situation, rather than a comprehensive survey of the human rights field. In addition, OSCE's lack of human resources has limited its ability to address more time-consuming human rights cases, for example, forced evictions. Finally, OSCE has in many ways subsumed its human rights mandate within the framework of its elections responsibilities, leading it to focus on civil rights which may mean other pressing issues receive less attention.

United Nations High Commissioner for Refugees

UNHCR's involvement in the field of human rights is three-fold: (1) coordination with other agencies involved in the field of human rights; (2) returns of displaced persons and refugees; (3) freedom of movement. UNHCR

works with intergovernmental and national human rights organisations and institutions, both at the Sarajevo level and through its field offices. With regard to returns of refugees from abroad, UNHCR has established three benchmarks for the lifting of temporary protection by host governments: compliance with the military provisions of the Peace Agreement; the passing of comprehensive amnesty laws; and the functioning of effective human rights mechanisms. While some progress has been made, UNHCR believes that the right conditions have not been established to ensure a safe and dignified return. UNHCR maintains that the fundamental human right of freedom of movement is an overriding benchmark governing the return of refugees and displaced persons. To address the current blockages in this area, UNHCR is promoting a number of confidence-building measures, such as visits by displaced persons and the establishment of bus services across the IEBL.

UNHCR's long-standing experience in Bosnia and Herzegovina is a valuable resource. UNHCR staff work with, and have organised, interagency working groups at the field level. This type of coordination is essential to ensure that UNHCR's extensive expertise is not under-utilised. In addition, UNHCR may wish to rely more heavily on the human rights reporting of other organisations, for example, to strengthen the human rights assessment provided in the repatriation information reports it is preparing to inform refugees and displaced persons of current conditions in various municipalities.

United Nations High Commissioner for Human Rights

The UNHCHR's Field Operation in the former Yugoslavia supports the work of the Special Rapporteur and the Expert on Missing Persons, including preparation of missions and providing assistance on the issue of missing persons. In addition, two human rights experts have so far been made available by the UNHCHR to assist the High Representative through the Human Rights Coordination Centre. Finally, the UNHCHR has organised a substantial programme of human rights monitoring and law enforcement training for the UN IPTF under which some 900 monitors will participate in training before the programme's conclusion in early August. The UNHCHR Field Operation provides useful support and expertise for other organisations active in the human rights field. The Operation's impact, however, has been circumscribed by budgetary constraints, which have delayed and limited the extent of the UNHCHR's contribution.

European Community Monitoring Mission

The 20 ECMM teams deployed throughout Bosnia and Herzegovina provide frequent and helpful reporting on humanitarian and human rights matters. Their work on humanitarian and human rights matters is assisted by four humanitarian officers in HQ Zagreb, one in the Sarajevo Regional Centre, and one in each of 5 Coordination Centres. The Coordination Centres and the Regional Centre in Sarajevo assess the human rights situation on a weekly basis. ECMM teams provide valuable field expertise and support for other international organisations. ECMM also works closely with OSCE on human rights issues.

Council of Europe

The Council of Europe has instituted a multi-faceted program which provides human rights support to institutions and individuals in Bosnia and Herzegovina. Their efforts include: a seminar scheduled for late June on the European Convention on Human Rights; provision of human rights documentation; study visits for local officials and lawyers; and provision of constitutional and legal expertise through the Venice Commission.

OTHER ORGANISATIONS

In addition to the intergovernmental organisations outlined above, a number of international and local non-governmental organisations are active in the human rights field in Bosnia and Herzegovina. Foremost among these institutions is the International Committee of the Red Cross, which has worked throughout the war to protect and assist victims of armed conflict. The ICRC has been actively involved in protecting prisoners held in relation to the conflict and monitoring and facilitating their release. In addition, the ICRC plays a lead role in working on cases of missing persons through its traditional tracing activities and by chairing the Working Group on the Unaccounted For through which the Parties are called upon to work together to address this important issue. Human Rights Watch/Helsinki has recently opened an office in Sarajevo; other international human rights monitoring organisations, including Amnesty International and the International Helsinki Federation, send frequent missions to the country. In addition, the International Crisis Group has established a mission in Bosnia and Herzegovina which is actively involved in human rights issues.

Human rights monitoring and protection activities by local NGOs continue to grow, although efforts are still concentrated in the Federation and no organisation has yet established an effective nationwide presence. A number of international organisations have taken on the important task of providing support to the burgeoning NGO community, including the International Council of Voluntary Agencies and OSCE.

OVERALL ASSESSMENT

With the piecemeal framework for human rights monitoring and protection established in the Peace Agreement as a backdrop, the current monitoring situation in Bosnia and Herzegovina is surprisingly good, due in large part to the willingness of implementing organisations to derive new and more expansive methods for coordinated action. Despite the particular concentrations of the major human rights implementing organisations based on their specific mandates, their combined reporting provides a fairly thorough and accurate picture of the human rights situation throughout Bosnia and Herzegovina. The most significant gaps at this mid-term point involve not gathering of information but responding to the human rights violations revealed by that reporting. Both in the field and at the headquarters level, new methods of information-sharing, cooperation and coordinated action are being devised to address this shortfall. Nevertheless, there are substantial gaps which must be addressed in the coming months. Some of the more problematic areas include:

Detention As noted above, information concerning detention is now sporadic and IPTF's efforts to gather comprehensive, timely data are essential steps to address this problem. While the number of unregistered detainees is believed to be relatively small, compiling thorough information on detainees will also help address frequent reports that hundreds of those listed as missing are detained in "hidden" camps.

Trial Monitoring Although its mandate extends to monitoring judicial systems, IPTF lacks the resources and expertise to cover this important area effectively. Efforts are underway within the Human Rights Coordination Centre to bring together organisations with resources to address monitoring of the legal system, but it remains to be seen whether this gap can be filled through the combined efforts of a group of intergovernmental and non-governmental organisations.

Legal Advice and Representation While several groups provide legal support for a relatively small number of individuals, there is no systematic effort in place to inform people concerning their rights and to provide legal assistance and representation in cases implicating basic human rights. This problem is intensified by the limitations on freedom of movement discussed below, which restrict the ability of persons arrested in one entity to retain an attorney from the other entity. Further attention needs to be devoted by intergovernmental and non-governmental organisations to this problem in order to build confidence in a much-battered legal system and to ensure that people are aware of the many rights and remedies afforded to them following the Peace Agreement.

Missing Persons/Exhumation The establishment of the ICRC Working Group on the Unaccounted For and the Expert Group on Exhumation and Missing Persons chaired by the Office of the High Representative are substantial steps to ensuring that this important issue is addressed thoroughly and with the urgency it deserves. The success of these efforts depends upon a continuing commitment by the Parties, intergovernmental organisations and NGOs to work together on this highly-charged issue, as well as on support from the international community, especially to fund the creation of a team of international forensic scientists within the Expert Group to monitor exhumations, to establish an antemortem database and to assist with exhumations where other means of investigation have proven unsuccessful or where there is reason to believe that exhumation will provide an efficient means for resolving cases.

III. HUMAN RIGHTS IMPLEMENTATION

The Parties have failed to take many of the concrete steps required for effective implementation of the human rights provisions of the Peace Agreement. Little has been done by the Parties to suspend enforcement of laws which are contrary to the rights set forth in the Peace Agreement and, other than in the field of constitutional reform, even fewer steps have been taken to incorporate the "highest-level of internationally recognised human rights" into the legal system. The human rights standards which the Parties agreed to uphold in the Peace Agreement remain largely unrealised, abstract promises with little impact on the day-to-day lives of people in Bosnia and Herzegovina. Some of the pledges made in the human rights field which portended the greatest benefit to individuals have simply not yet been met, as is the case with implementation of

comprehensive amnesty laws and allowing freedom of movement. In other areas, authorities of both entities have taken steps which directly undermine basic human rights and threaten the remnants of the country's multi-ethnic society, as evidenced most dramatically today by the threatening situations faced by many minority residents in the areas of the Sarajevo suburbs and Teslic.

Legislative and Institutional Reform

The failure of the Parties to adopt and fully implement adequate amnesty laws remains a substantial obstacle to freedom of movement and return of refugees and displaced persons. The Republika Srpska Parliament has considered, but has not yet adopted, an amnesty law. The Federation Parliament adopted an amnesty law on 12 June. The legislation adopted was modelled after the Bosnia and Herzegovina law, which itself contained several significant flaws: (1) it suspends, rather than eliminates, the relevant criminal provisions; (2) there is an 8 day gap in application of the legislation - it applies only to offences up to 14 December and the end of the state of war was not declared until 22 December; and (3) those covered by the amnesty must request that the amnesty to be applied to them. In addition, UNHCR states

that in certain areas the BiH amnesty law has not been fully respected, including the arrests of returnees from the Kuplensko camp in Croatia on war crimes allegations and the reported initiation of criminal proceedings in Sarajevo courts against some 83 Bosnian Serb army soldiers.

Neither entity has complied with the requirement that it immediately repeal domestic legislation and administrative practices with discriminatory intent or effect, as evidenced by the continuing enforcement of property legislation with widespread discriminatory effect, described in greater detail below. In addition, the Parties agreed last February in Geneva to make necessary changes in legislation promptly to ensure that socially-owned apartments would be left available to those who have the right to reside in them and who reoccupy them within six months. Not only have such changes not been made, but there is also substantial evidence to document a pattern of behaviour by local authorities directly contrary to the Geneva principle.

In the crucial field of criminal law, applicable laws and procedures have not been brought into conformance with international human rights standards. While a complete review of the criminal and criminal procedure codes could well take longer than half a year, there is little evidence that such a review is underway or that more limited reforms are being implemented in the interim. For example, despite the requirement in Article 1 of the Second Optional Protocol to the International Covenant on Civil and Political Rights that the death penalty be abolished, no steps have been taken within Bosnia and Herzegovina to fulfil this commitment, and persons remain under sentence of death. Police practices which violate internationally recognised standards have also continued unabated, including arbitrary arrest and mandatory "informational interviews" in which persons are called in for questioning on less than reasonable grounds.

Both the Federation Constitution and the Peace Agreement established new legal structures and required certain reforms to the judicial system. Although efforts are underway to implement these changes, it will be a long-term process

and one determined by the level of resources dedicated to it. Within the Federation, a continuing problem is the integration of the legal structures in areas controlled by Bosnian Croats into the Federation judiciary. While the Constitution of Bosnia and Herzegovina provides for a free and independent judiciary, there are numerous obstacles to achieving this goal. Prior to the war, the legal system was subject to significant political influence, and the judicial structures that were put in place by the Parties during the conflict incorporated many of the weaknesses of the pre-war system. As a result, the leading political Parties continue to exert considerable influence over the legal system, particularly regarding judicial appointments. Party affiliation and political connections appear to weigh heavily on the appointments process, and the ruling parties have attempted to stack the courts with party loyalists.

In general, the Parties distrust any judicial structure outside their own, and do not believe it is possible for a person of a different ethnicity than the detaining authority to receive a fair trial on so-called "enemy" territory. A related problem is the lack of transparency concerning cases under the jurisdiction of military court system. The procedures for determining whether a case should be tried in a military or civilian court are unclear, and the number of on-going cases in the military courts is unknown.

Creation of Conditions for Human Rights Organisations to Operate Effectively

The ability of human rights institutions to function effectively without interference or harassment is a crucial measure of the human rights situation in a country. In this regard, Bosnia and Herzegovina has achieved considerable progress. Human rights monitors have been able to travel without restriction in all areas of the country, although occasional blockages have been reported. There are few reports of threats or harassment of international monitors, with the notable exception of the Mostar area. For example, in April an Italian WEU officer was shot in the neck by an off-duty Croat policeman who reportedly demanded that the officer turn over two Bosniak policemen riding in the car. International organisations have experienced some difficulties in gaining access to prisoners (especially for confidential interviews) and detention facilities, but authorities in both entities have been fairly responsive when these problems are reported to them. In particular, IPTF has been given widespread access to detention facilities and prisoners in both entities, including confidential interviews; however, IPTF continues to press authorities in all areas to standardise requests for *immediate* access to detention facilities and case files on individual prisoners.

A more significant obstacle to human rights investigations has been the difficulties associated with obtaining relevant laws and procedural rules. This problem is especially acute in the Republika Srpska where, for example, one local official refused to copy RS legislation for an international human rights monitor, claiming that permission from the Minister of Justice was required. At the same time, local authorities, including police, remain largely unaware of the requirements imposed upon them by the Peace Agreement. International monitors have been forced to assume an educational role, first informing the relevant authorities of the decisions made by their superiors, then seeking implementation of the agreements.

While there are reports of harassment and intimidation directed at some international and local NGOs involved in human rights, most organisations appear to be able to operate fairly freely. Given the nascent nature of the NGO community, especially in the Republika Srpska, it remains to be seen whether the relatively tolerant climate persists as the activities and profile of human rights organisations grows. One possible indicator is the fact that several incidents involving threats directed at the Federation Ombudspersons, who have gained prominence in the past year, have been reported recently.

One crucial element of cooperation with human rights institutions remains substantially deficient. The response by authorities to decisions or interventions by human rights monitors in cases of human rights violations is often unduly delayed and frequently nonexistent. For example, the Federation Ombudspersons have tried without success to seek equitable resolution to hundreds of property cases. In other cases, interventions by international monitors to seek the release of persons arbitrarily detained are met with blatant acknowledgement of the unfounded nature of the detention, and offers to "exchange" the detainee for others who are allegedly wrongfully detained by another party. There seems to be little recognition that such exchanges are inappropriate, in fact unlawful, in the post-Dayton environment. Local officials are, in many instances, able to act in an entirely arbitrary manner with absolute impunity.

The lack of cooperation by Republika Srpska officials with the International Criminal Tribunal for the former Yugoslavia is illustrative of this problem and is itself another substantial shortcoming in human rights implementation. At the same time that the Bosniak side of the Federation became the first party to surrender persons under indictment of their own dominant ethnicity to the Hague, the Republika Srpska continued its policy of blatant defiance of ICTY and the Peace Agreement by allowing persons indicted for war crimes to remain in high political and military office. In addition, both the Republika Srpska and Federation authorities in the areas controlled by the HVO have failed to apprehend and surrender indicted persons to the Hague.

Release of Prisoners

Under Annex 1A of the Peace Agreement, the Parties were required to release all combatants and civilians held in relation to the conflict no later than thirty days after the Transfer of Authority (19 January). As of that date, there were 1183 prisoners being held. Substantial releases did occur in late January and February, but as of mid-March approximately 219 prisoners were still detained on a variety of pretexts. The parties complied with their obligations only as a result of intensive pressure, including the possible sanction of denying non-complying Parties the ability to participate in the Brussels donors conference. To secure the additional prisoner releases, the High Representative, along with ICRC and IPTF, established a process under which the Parties agreed to send files on all persons held on suspicion of war crimes to ICTY and release the remainder. The Parties also agreed that they would release any prisoner if the Tribunal concluded that evidence submitted was insufficient to warrant further detention. All three Parties complied by sending files on all unreleased prisons to the Hague for review; a total of 29 cases involving ICRC-registered prisoners were sent. Without being requested

to do so, the Parties added files relating to eleven additional persons who had been arrested on suspicion of war crimes after 19 December (and thus who were not covered under Annex 1A). In a series of decisions issued over the next two months, the Tribunal found insufficient evidence in 26 cases and declined to review the files sent in three cases on jurisdictional grounds. In the remaining eleven cases, the Tribunal found that the evidence submitted was sufficient to warrant investigation and detention on war crimes charges, but did not assert its own jurisdiction in any of the cases. In each case in which a decision of insufficient evidence was issued, the detaining party complied by releasing the prisoner involved.

There remain an unknown number of unresolved cases involving prisoners detained in relation to the conflict. Of primary concern are prisoners held from before the Peace Agreement entered into force who have not been registered and who were not, therefore, included in the process described above. In one particularly egregious and well-known case, a Croat priest from Prijedor and his parents have been detained since September 1995. Republika Srpska authorities have recently acknowledged that the priest is being held in "private" detention in the Prijedor area and have pledged that he will be released. It is impossible to quantify, however, the number of other cases of this sort which remain outstanding. In addition, both Parties have arrested a number of people, allegedly on suspicion of war crimes, since 19 December 1996. As noted, 11 of these files were sent to the Hague in mid-March, but a small number of additional arrests have occurred after that date. These arrests are clearly contrary to the agreement reached in Rome on 18 February by which the Parties agreed that persons who have not been indicted by the Tribunal "may be arrested and detained for serious violations of international humanitarian law only pursuant to a previously issued order, warrant or indictment that has been reviewed and deemed consistent with international legal standards by the International Tribunal." Despite efforts to make this pledge operational, the Parties have failed to submit the lists and files required under the Rome agreement to the Tribunal, and have continued to arrest persons on suspicion of war crimes.

IV. PROTECTION OF FUNDAMENTAL RIGHTS AND FREEDOMS

Non-discrimination/Protection of Minorities

The fundamental goal of the Peace Agreement is the reestablishment of a multi-ethnic Bosnia and Herzegovina through the creation and strengthening of institutions which respect the rights of all citizens, regardless of ethnicity. While it would be unrealistic to expect that ethnically-based fear and hatred would disappear in the six months since the signing of the Peace Agreement, the Parties have not demonstrated a willingness to take steps necessary in order to protect minority populations. Although in certain areas like Tuzla mixed communities coexist relatively peacefully, there continues to be an unacceptably high number of incidents of harassment and discrimination directed against minority populations throughout Bosnia and Herzegovina. Also, in too many cases there is evidence of tacit or direct involvement of the authorities.

For the most part, instances of discrimination and harassment are clearly designed to intimidate remaining ethnic minorities or political opposition

figures. While such harassment may be subtle and indirect (e.g. threatening telephone calls), there have been numerous well-documented instances of overt discrimination or violence; incidents commonly cited include forced evictions, beatings, and arbitrary arrests/detention. In many cases, authorities are unresponsive to complaints of violations against minority populations.

The series of developments in the Sarajevo suburbs is an instructive example of the types of problems encountered by ethnic minorities in Bosnia and Herzegovina. In the lead-up to the transfer of authority in the suburbs to Federation control, Republika Srpska officials encouraged the departure of remaining Serbs from the Sarajevo area; at the same time the media in both entities created a climate of fear concerning the pending transition. The result of this pressure from all sides was predictable - approximately 60,000 Serbs left the suburbs in February and March. There were numerous reports of intimidation and harassment of those who indicated a willingness to remain in the suburbs after 20 March; many of these long-term Sarajevo residents were targeted by organised gangs of departing Serbs. A common intimidation tactic involved late-night visits to homes of persons who did not appear to be making preparations to leave. In such cases these individuals were asked repeatedly when they planned to leave, and others were told that their apartments would be looted or burned if they did not leave. The Republika Srpska police were generally unwilling to intervene in such cases, contributing to the climate of uncertainty and fear among the population of remaining Serbs. At one point, UNHCR set up a safe house in Grbavica for persons who were too afraid to spend the night in their own homes. The break-down in law and order in the last days before the transfer of authority resulted in numerous acts of violence and destruction of property that went unpunished. However, despite these problems, 8,000 to 10,000 Serbs decided to remain in the suburbs under the authority of Federation officials.

The arrival of Federation police did not, however, result in a significant improvement in the situation for most of the Serbs who remained in the suburbs. Discrimination and harassment of non-Bosniak residents has continued, and the number of such incidents has increased considerably since early May. The deterioration in the security situation appears to be related to the influx of displaced persons from eastern Bosnia to the suburbs, although the number of incidents reported involving the active participation of Federation police is also on the rise. In one case in early June, a Serb man who had been beaten on several occasions by a Bosniak gang in Grbavica sought the help of Federation police only to be beaten by police at the station; the man has since relocated to Republika Srpska. Also, two "war crimes" arrests in contravention of the "rules of the road," have contributed to the insecurity of remaining military age men. Federation police have at times been unwilling to intervene in cases involving non-Bosniaks, even if present during the commission of a crime. In Mostar, the level of tension and hostility between East and West remains palpable, and the active involvement of the local authorities in fuelling ethnic tensions has kept Mostar a divided city.

In Republika Srpska, abuse and mistreatment of minorities remains a serious problem which the political leadership has been largely unwilling to address. There are numerous reports of ethnic minorities being subjected to extreme forms of harassment and intimidation, strikingly similar to the tactics used during

the conflict. A recent high-profile example is the forced expulsions of minority residents from villages in the Teslic municipality in May-June. According to information gathered in interviews with persons who fled the area, gangs of masked Serbs (mainly displaced persons) visited the homes of remaining Bosniaks and Croats terrorising families until they departed the area; to add insult to injury, fleeing residents were forced to pay a 10 DM departure fee. There were also reports that mines were planted in yards, and grenades thrown at homes. Despite high-level interventions with Republika Srpska officials, concrete steps to protect the remaining minority residents have not been taken, nor have the authorities taken action to create conditions conducive for return of persons who fled in fear.

More subtle forms of administrative discrimination are also widespread, which contributes to an inhospitable environment for minorities or those with opposition political views living in those areas. There have been several reports of ethnic minorities being forced to sign "loyalty oaths" in order to be rehired by their pre-war employers. Also, human rights monitors have documented numerous cases of dismissal or threats of dismissal from employment apparently on the basis of political or ethnic factors. In one case in mid-May, the Editor-in-Chief of one publication was dismissed and replaced with an SDA member who reportedly did not have experience as a journalist. Similarly, in recent months, police officers in the Republika Srpska municipalities of Prijedor and Novi Grad were replaced because they were considered insufficiently loyal to the SDS. There is also substantial evidence that party affiliation and loyalty are advantageous, if not necessary, to advance within a company or industry. In terms of educational discrimination, many minority families are understandably unwilling to send their children to school with nationalist-oriented educational programs.

Despite these problems, there are numerous efforts underway by intergovernmental organisations and NGOs to foster reconciliation and teach ethnic tolerance. Through the Joint Civilian Commission/Sarajevo, the authorities have agreed to put structures in place to ensure equal treatment of residents in the Sarajevo area. OSCE and the Office of the High Representative worked closely together to ensure that the decision to reopen Serb schools in the Sarajevo suburbs was implemented as agreed to prior to the transfer of authority. Similarly, IPTF Region South has instituted a special community policing unit to encourage Sarajevo residents to refer problems to IPTF. In Teslic, IFOR and IPTF have begun joint patrols in more remote areas to improve security and as a confidence-building measure.

Freedom of Movement

Both the Constitution of Bosnia and Herzegovina and the Peace Agreement recognise freedom of movement as a fundamental right, and one which is particularly important to conducting elections. Overall, considerable progress has been made on establishing freedom of movement between the entities since the signing of the Peace Agreement. Compared to restrictions in place during the conflict, many individuals and small groups have generally been able to travel throughout most areas of Bosnia and Herzegovina for both private or commercial purposes. For example, in an informal survey over a two-day period in May.

IFOR counted approximately 28,000 inter-entity boundary line (IEBL) crossings; IPTF and ECMM reports support this conclusion.

This picture, however, conceals the fundamental, unresolved problems which still characterise the situation regarding movement in Bosnia and Herzegovina. Restrictions on freedom of movement remain one of the most pressing problems, with serious implications for return of refugees and elections. There continue to be numerous incidents - some violent - in which local authorities or others target persons attempting to cross the IEBL or individuals travelling through areas which are dominated by an ethnic group different than their own. The fear engendered by these incidents is itself a significant obstacle to free movement. For example, in late May, a uniformed Croat police officer stopped a Bosniak couple who were driving through a predominantly Croat area near Zepce, and reportedly asked why they had only Bosnian registration documents. After the Police officer returned the car registration and identity documents and the couple began to drive away, he fired on the vehicle, shooting the driver in the back of the head. The victim died several days later; after IPTF intervention, the police officer and an additional suspect involved were arrested by Federation authorities.

In many cases, even those who succeed in crossing the IEBL experience unnecessary delays and harassment; common forms of harassment include verbal or physical abuse or confiscation of identity documents and/or car registrations. Although police are not allowed to establish permanent checkpoints, police continue to set-up unauthorised checkpoints along the IEBL, most often through the use of temporary or mobile checkpoints. Freedom of movement is also hampered by the perceived risk of arrest or detention without charge, as well as the unavailability of information on who is being sought for war crimes and information concerning amnesty.

Attempts by organised groups to exercise freedom of movement have met with mixed results. Since the signing of the Peace Agreement, UNHCR has successfully arranged visits of small groups across the IEBL to inspect property or visit cemeteries. However, other visits have been thwarted by angry groups of local residents - sometimes organised by political leaders, prominent officials or even the police - who have attacked bus convoys with rocks or assembled to confront visiting groups. During the lead-up to the Bajram holiday (mid-to-late April), the first attempts at large-scale IEBL crossings resulted in a number of violent confrontations between local residents and groups attempting to visit their pre-war residences. In several incidents, IFOR was forced to fire warning shots in order to disperse crowds. In a high-profile incident on 29 April, two persons were killed and five injured during a confrontation between Bosniaks and Serbs between Lukavica Jijeka and Sjenina; several additional people were injured when they attempted to cross a marked mine field.

Particularly problematic have been attempted visits to locations where politically-hardline local authorities are openly opposed to the return of refugees and displaced persons. For example, in Prijedor, the police chief is known to be openly hostile to visits by organised groups and on several occasions Republika Srpska police have turned back persons attempting to visit the area; well-documented reports indicate that the Mayor of Prijedor incited the residents by making inflammatory statements on Radio Prijedor. Large

hostile crowds have gathered along the routes which visitors are required to take, creating substantial risk of violent attacks. In areas under Croat control, displaced persons have been obstructed by Croat police and residents from visiting their pre-war villages and grave sites, despite close supervision by international agencies.

Attempts to establish inter-entity bus services have encountered significant difficulties. On several occasions, Republika Srpska authorities blocked buses travelling the designated routes. After several delays however, a commercial inter-entity bus service has been introduced to link the Sarajevo suburbs with nearby Lukavica (inside Republika Srpska), and after some initial difficulties, the service is well underway with four scheduled trips per day. The number of riders has been so high that the company which runs the service is considering adding another bus to the route. Attempts to establish commercial service from Banja Luka were thwarted, UNHCR has been able to establish regular service on that route, but only through the use of buses with UNHCR license plates and international drivers.

Under the structure of the Joint Civilian Commission chaired by the Office of the High Representative, a Working Group was established to address policy issues related to freedom of movement. Through the Working Group, the Parties have officially recognised all license plates and registration documents throughout Bosnia and Herzegovina; other issues, such as recognition of identity documents and unauthorised checkpoints are addressed in the Working Group. Also, in order to avoid potentially violent incidents associated with cross-entity visits by groups of displaced persons and refugees, UNHCR has devised a set of guidelines which were agreed to by the Parties in order to facilitate organised, safe visits across the IEBL.

Arbitrary Detention/Fair Trial

Authorities in both Federation territory and Republika Srpska continue to detain arbitrarily numerous persons in contravention of international human rights standards, including Articles 5 and 6 of the European Convention on Human Rights. In many instances, arrested persons are not informed of the reason for their arrest, nor are they provided access to legal counsel. The fact that many persons throughout Bosnia and Herzegovina are unaware of their rights contributes to frequent violations of these international standards. In some of these cases, persons are released after 2-3 days in detention, although IPTF and other international organisations have reported several cases which remained unresolved for months. In some cases, these arrests are clearly designed to harass and intimidate ethnic minorities or political opposition figures, although the police also pick people up seemingly at random for questioning.

In addition, there is a smaller number of documented incidents of arbitrary arrest or "hostage taking" by the military in which persons are held outside the scope of the normal judicial structures. This problem is exacerbated by the fact that the war-time mentality of retaining prisoners for exchange purposes persists. For example, in February three persons were arrested in Kiseljak and transferred into HVO-custody in Mostar; all three remain in detention without charge and there is no evidence that judicial proceedings are underway. Numerous attempts to secure the release of the three have been unsuccessful, in

large part because the detaining authority hopes to exchange them for Croats who are serving criminal sentences elsewhere in Federation territory. Similarly, particularly within the Federation, there is a tendency toward "tit for tat" arrests, which has the effect of escalating tensions between the Parties involved. A high-profile example was the February arrest of Bosniak journalist Hidajet Delic, who was arrested by Republika Srpska authorities in apparent retaliation for the arrest and subsequent extradition of General Djukic and Colonel Aleksa Krsmanovic to ICTY custody in the Hague; repeated interventions by the Office of the High Representative, OSCE and UNMIBH resulted in Delic's release in early March.

Although reports of the existence of numerous "private" detention facilities, particularly in Republika Srpska, continue to surface, improved access to all areas within Bosnia and Herzegovina has led international monitors to conclude that it is unlikely that large-scale detention facilities exist, but that smaller non-traditional facilities (e.g. ghost houses) may be used. There are also numerous unconfirmed reports that the military/police or criminal gangs have detained an undetermined number of persons without charge in facilities under their respective control.

The issue of arrests of persons suspected of "war crimes" and other criminal violations committed during the conflict is addressed elsewhere in this report. However, given the large number of men who served in the armed forces, the lack of clarity on who is being sought for war crimes has had serious implications for freedom of movement. The lack of adequate information on amnesty also contributes to this atmosphere of uncertainty and fear on the part of the populace.

Although the Constitution of Bosnia and Herzegovina provides for a free and independent judiciary, including the "right to a fair hearing in civil and criminal matters," these rights are not fully respected in practice. The judiciary continues to be subject to undue influence by the leading political parties. For those seeking legal redress through the court system, therefore, the lack of an independent judiciary presents a serious obstacle to a person's ability to receive a fair hearing. Although there is no statistical data comparing decisions in cases involving ethnic minorities versus the majority population, there is a widespread perception that judges discriminate against ethnic minority defendants. A discussion of the status of judicial reforms is found elsewhere in this report.

Many of the problems with the judiciary will be addressed as the structures envisioned in both the Federation Constitution and the Peace Agreement are implemented, but this effort will be a long-term process. In the interim, numerous international organisations and NGOs are working to protect citizens' rights within the judicial system and to develop independent judicial structures that are perceived as such by the Parties and ordinary Bosnians. In the Federation, the creation of the institution of the Federation Ombudsmen has been an invaluable resource for individual complainants who are seeking legal redress for their legal problems. Similarly, the Human Rights Commission, which was established in Annex 6 of the Peace Agreement, has published its rules of procedure and is now taking individual complaints of human rights violations. There are also several proposals to develop internationally-funded legal advice

centres, which would advise persons of their rights under the Peace Agreement and relevant Constitutions and refer individuals to appropriate institutions for judicial relief.

Right to Return/Property rights

A fundamental objective of the Peace Agreement is to ensure the safe and voluntary return of refugees and displaced persons to their homes of origin. Property rights are recognised as central to achieving this objective, and the Peace Agreement calls on the Parties to repeal domestic legislation and administrative practices which may interfere with the right to return. Despite these provisions, the vast majority of human rights complaints reported by international human rights monitors are related to property rights violations. According to statistics compiled by the International Centre for Migration Policy Development (ICMPD), an estimated 100,000 to 200,000 people have been deprived of their property, as a result of laws which are inconsistent with the rights enumerated in the Peace Agreement. Both the Ombudsperson and the Federation Ombudsmen have reported that approximately 70% of all claims they have received are property-related. The large number of these types of disputes is due in part to the mass dislocations of persons and destruction of property associated with the ethnic cleansing campaigns of the war. As a result, the allocation of scarce housing has become a highly sensitive issue, and one with significant political ramifications.

These problems are exacerbated by enforcement of laws passed during the war to regulate the use of abandoned property, which were subsequently amended in a manner that has had the practical effect of denying persons the ability to return to their pre-war homes. The most common examples involve laws related to "socially-owned" property. In a typical Sarajevo case, an application by a refugee or displaced person interested in reoccupying his or her pre-war apartment would be rejected by the municipal authority under Article 10 of the Law on Abandoned Apartments. Under this provision of the law, holders of occupancy rights had to return and reoccupy their pre-war apartments within 7 days, or 15 days if located abroad, after the cessation of the State of War (22 December 1995). Needless to say, this requirement posed a virtually insurmountable obstacle for refugees and displaced persons who would have had to reoccupy their homes by 6 January 1996. Also, in many cases, temporary occupancy rights have been granted to displaced persons, resulting in competing claims for the use of a particular apartment.

Property disputes also form the basis of numerous incidents of abuse and discrimination; anecdotal evidence suggests that local officials sometimes apply property laws arbitrarily either to manipulate the ethnic make-up of a particular area or to falsely declare apartments "abandoned" in order to evict minorities. For example, in Busovaca in April, municipal authorities refused to recognise the occupancy rights of 95 Croat families who had lived in military-owned apartments prior to the war; these flats were subsequently allocated to other families.

In Republika Srpska, property laws are similarly used to deny persons the ability to return to their pre-war homes. The RS Law on Deserted Property does not differentiate between private or socially-owned property, and although the

law allows for the speedy return of vacant property to the owner/holder of occupancy rights, apartments that are occupied are subject to a "reciprocity" clause. Under this provision, the temporary occupant must willingly depart the dwelling before its rightful owner/occupant can return - unlikely given the large numbers of displaced persons in Republika Srpska and the lack of adequate alternate housing. Other problems commonly cited involve the sale/occupancy rights of previously JNA-owned apartments, and the issue of contracts of exchange by owners of private property between the entities.

Although certain statutes are clearly inconsistent with the Peace Agreement, the Parties have resisted repealing or even suspending enforcement of these laws. This is due in part because their priority is to provide shelter to those who remained in Bosnia and Herzegovina during the war, which reflects an inclination to cater to natural constituencies rather than make decisions which might be viewed as favouring "minority" groups. This is especially true in advance of the upcoming elections as the Parties facilitate the relocation of displaced persons to certain areas to strengthen political support. For example, since early May there has been an influx of thousands of refugees from Eastern Bosnia (via Tuzla) into the Sarajevo suburbs, which has resulted in heightened tensions between these new arrivals and the remaining Serb population and intensified competition for limited housing stocks. Pressure for housing and related disputes also has the effect of discouraging Serbs from returning to the suburbs.

While it is true that the Parties cannot in every instance guarantee that conditions will exist to ensure the safe return of refugees, the Parties must be held responsible for removing administrative and legal barriers to returns. Although there are a complex set of factors related to return of refugees and displaced persons, problematic property laws must also be addressed in order to ensure that the right of return as stated in the Peace Agreement is practically possible. To date, despite the recognition of the enormity of this problem, the Parties have not taken even the initial steps to develop appropriate solutions.

In response to interest among intergovernmental organisations (UNHCR, OSCE, UNMIBH), NGOs and the Federation Ombudsperson in addressing property issues, the Human Rights Task Force, under the auspices of the Office of the High Representative, established a subcommittee to devise a common approach to address these problems. The subcommittee has met on a weekly basis for several months and has developed an agreed set of principles which should guide efforts to revise existing property laws. Representatives from the participating intergovernmental organisations have met with authorities in both the Federation and Republika Srpska to raise property-related concerns. Also, through the Joint Interim Commission (JIC) and the Joint Civilian Commission (JCC) structures, the Parties have made political commitments to address problematic property legislation. In addition, there have been substantial efforts by all the members of the property subcommittee to heighten awareness of both the international community and the political leadership to this complex and growing problem. Finally, OSCE has prepared and will soon distribute a special report on violations of property rights, which includes an analysis of problematic property legislation in both entities.

Freedom of Thought/Expression/Association

The establishment of a free and independent media is noted in the Peace Agreement as a key factor for holding democratic elections. Although the number of independent media outlets continues to grow, there are numerous obstacles to the development of a truly free and independent media in Bosnia and Herzegovina. The Parties have not taken adequate steps to dismantle the administrative and technical barriers that block the expansion of independent media outlets, nor have they encouraged the development of objective, professional journalistic standards. Independent media lack adequate resources to expand their reach or audiences, and current legislation limits the transmission areas for independent radio and television broadcasts. Also, restrictions on freedom of movement hamper print journalists' ability to report on issues across the entities.

There has been some limited improvement in access to state-run electronic media by opposition politicians, but program content is still heavily skewed in favour of the ruling parties. In many instances, excessive editorialising has resulted in unbalanced news coverage, and media monitors have noted instances of propagandistic slogans during television broadcasts in both entities. For example, TV BiH reporters and hosts continue to use inflammatory generalisations like "Serb fascist hordes" to describe persons from Republika Srpska; similar characterisations of Bosniaks are prevalent during Sprska Radio-Televisija broadcasts. In areas dominated by hard-liners, political leaders continue to use inflammatory nationalist rhetoric to maintain tensions within these communities. For example, the local media in Mostar is often dominated by nationalist rhetoric, and in the Doboj region in Republika Srpska, a radio show hosted by SDS supporters has featured inflammatory anti-Bosniak rhetoric in its program.

The three main political parties (SDA, HDZ, and SDS) continue to dominate the political process, and there are numerous reports of harassment and intimidation of opposition parties in both entities. In Croat-held areas, particularly in West Mostar, opposition parties are reportedly reluctant to organise openly because of fear of retaliation by HDZ supporters. Similarly, the SDS dominance in Republika Srpska is pervasive at all levels of government structures, and the SDS is also intolerant of public opposition political activity. For example, in early March a Socialist Party of Republika Srpska (SPRS) public meeting in Blatnica was violently disrupted by members of a local paramilitary group who beat one of the SPRS members until he was unconscious. In Kalesija (southeast of Tuzla), 159 people were called in for "informational interviews" by the military police because they were accused of having heckled the Mayor of the municipality during a public appearance. In the Velika Kladusa area, supporters of Democratic People's Union (DNZ) leader Fikret Abdic are regularly targeted for harassment and abuse by SDA supporters. There are numerous reports of beatings of persons who are returning to the area from the Kuplensko camp; human rights monitors also report instances of arbitrary detention and interrogation of persons believed to be active Abdic followers.

Through the Provisional Election Commission and the Media Experts Commission, the OSCE will have structures in place to address specific incidents of violations of election-related rights (e.g. freedom of assembly and expression) during the campaign period. On the media side, the efforts by the

Office of the High Representative and OSCE to establish a Bosnia-wide independent television network is critical to ensure equal access to the media by all candidates during the lead-up to the election. The Swiss/OSCE radio project should also provide much-needed voter education and campaign information during the two months preceding election day.

Protection of the Person

Human rights monitors, including the IPTF receive regular reports of brutality by police and other security forces in violation of international human rights standards. The most common incidents reported are beatings of detainees while in police custody. A large percentage of these reports involve ethnic minority returnees who are detained by police upon arrival. For example, in Velika Kladusa, beatings of Kuplensko camp returnees is considered a "rite of passage" which is tolerated by the victims and authorities alike. In a specific incident in Sanski Most in March, ABiH soldiers arrested and beat a Serb man who had returned to the area, accusing him of "war crimes;" the man was released after 2 days in custody. In Mostar West in March, a senior-level police officer involved in investigating incidents of violent crime in the area was badly beaten by three masked men using baseball bats.

Given the level of violence and abuse that took place during the conflict, it is likely that the majority of incidents of physical abuse perpetrated by police or the military go unreported. Those who are most often targeted for abuse are ethnic minorities who have often endured high levels of intimidation and violence during the war. Among the populace there is little confidence in governmental structures - especially the police - and persons are often too afraid to report incidents to the IPTF for fear of retaliation.

The Ombudsperson has begun to accept individual claims of human rights violations, including instances of abuse perpetrated by the police. Similarly, IPTF has been actively involved in ensuring that the authorities take appropriate action to punish police officers responsible for committing such abuses.

V. CONCLUSIONS AND RECOMMENDATIONS

The Parties must take immediate steps to address the substantial shortcomings identified in this report. Resolution of these issues is inextricably linked to creation of a stable peace in Bosnia and Herzegovina. The human rights provisions of the Peace Agreement constitute an interwoven fabric of interdependent steps which must be taken for the peace process to move forward. For example, the Parties' failure to secure full freedom of movement is a major impediment to the return of refugees and displaced persons. While some progress has been made, the severity of recent abuses in places such as Teslic and the Sarajevo suburbs belies the conclusion that with time the Parties will, without outside pressure, make the necessary changes to ensure respect for human rights. Instead, there is troubling evidence of a trend not only to accept, but also to institutionalize ethnic separation. In order to reverse this trend, the Parties must work actively to create conditions conducive to the return of members of minority groups to their homes and to ensure that vulnerable persons, including those with opposing political views, are able to

return and live in safety. In particular, the Parties are called upon to implement the following urgent measures:

Institutional Steps

- Repeal or suspend property laws which do not respect the rights to return and property enumerated in the Peace Agreement, along with expeditious steps to implement legislation which is consistent with those rights;

- Adopt amnesty legislation in the Republika Srpska which is consistent with the Peace Agreement, amend the existing legislation in the Federation to comply with the Peace agreement, and implement the amnesty laws effectively throughout Bosnia and Herzegovina, including a broad public information campaign concerning the amnesty;

- Develop procedures to identify and take action against officials directly or tacitly involved in violation of international human rights standards;

- Put in place an effective system for distributing information by which the Office of the High Representative and the relevant international organisations are immediately informed of legal developments in both entities, including drafts of proposed legislation;

- Encourage the development of independent media by removing technical and other barriers that currently block the ability of independent media to expand their audiences and take steps to allow circulation of print media throughout the country; and

- Improve the quality of electronic media programming by expanding access to state-run electronic media by opposition politicians and diminishing excessive editorialising and attention to the activities of the ruling Parties that can lead to unbalanced news coverage.

Cooperation with Human Rights Institutions and Organisations

- Permit the ICRC to identify and register all remaining persons who are detained in relation to the conflict, followed by the immediate release of such individuals;

- Provide UN IPTF with thorough records concerning all detained persons which detail the basis for detention;

- Take all necessary steps to accelerate and intensify efforts to determine the fate of the thousands of persons who remain unaccounted for, in particular by reporting on the cases submitted within the ICRC Working Group;

- Exhume graves only after other means of investigation have proven unsuccessful or where there is reason to believe that exhumation will provide an efficient means for resolving cases; in all circumstances, exhumation of grave sites should be performed in accordance with internationally recognised standards, including recognition of the right to

decent burial for both identified and unidentified remains, and under the supervision of international experts; and

- Provide both financial and political support for the human rights institutions created in the Peace Agreement and other important national structures, including the Commission on Human Rights, the Commission for the Real Property Claims of Displaced Persons and Refugees and the Federation Ombudspersons;

Addressing Human Rights Abuses

- Take immediate steps, including public statements and instructions to local authorities, to send a clear message that harassment, intimidation and discrimination of minority populations, including those who hold opposing political views, will not be tolerated;

- Investigate and prosecute cases involving abuse of minority residents, including those involving local authorities, to the fullest extent of the law and provide effective protection for vulnerable persons who wish to remain in their homes;

- Implement a process under which the cases of persons arrested and held for more than 72 hours after crossing the IEBL would be reviewed to determine whether there is sufficient evidence to warrant detention under international standards and to ensure that all those held in contravention of international standards are immediately released;

- Put the "rules of the road" agreed in Rome on 18 February into practice by (1) forwarding lists of persons suspected of committing violations of international humanitarian law with supporting evidence to ICTY for review and (2) implementing a process for review by the Tribunal of the cases of all persons arrested in contravention of the "rules of the road"; and (3) immediately releasing all persons arrested on suspicion of war crimes for whom files are not sent to the Tribunal or those held in cases in which the Tribunal determines that the evidence presented is insufficient to warrant further detention;

- Support the work of the Media Experts Commission to investigate and adjudicate claims involving violations of international media standards, including the use of inflammatory nationalist rhetoric, as noted in OSCE's media regulations; and

- Take steps to facilitate freedom of movement, particularly across the IEBL by (1) instructing local police to protect persons travelling to their pre-war places of residence, (2) supporting UNHCR's efforts to establish inter-entity bus service, (3) investigating to the fullest extent possible, persons actively involved in civil disturbances to infringe upon freedom of movement, and (4) halting administrative policies that arbitrarily punish persons attempting to exercise their rights to move freely (e.g. confiscation of identification documents).